



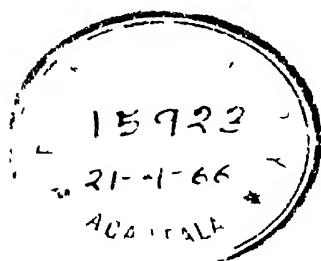
# **THE EICHMANN KOMMANDOS**

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# THE EICHMANN KOMMANDOS

Michael A. Musmanno



LONDON : PETER DAVIES





DEDICATED TO

**Harry S. Truman**

DEFENDER OF INTERNATIONAL LAW AND ORDER  
AND WORLD HUMANITY



## Foreword

DURING THE PERIOD in which Captain (Judge) Musmanno, U.S. Navy, served in Germany, I was first deputy and then Military Governor of the United States Zone of Occupation in Germany. As the trials of the war criminals were under my jurisdiction, I kept in close touch with them with the aid of a legal staff headed by Charles Fahy, a former Solicitor General of the United States.

Much has been written about the Nuremberg Trials, their legal basis, and their proper status in history. While military government was not responsible for the conduct of the trials, which were conducted before the International Military Tribunal except for the final approval of the sentences, it was responsible for the subsequent trials undertaken before our own courts in the United States Zone of Occupation. Even the review power of the Allied Control Council was meaningless, as the sentences of the International Military Tribunal could be changed only by unanimous agreement.

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tional Military Tribunal had not been received happily in the nations of the world where justice prevails.

Thus, in our zone of occupation we proceeded not only with the trials of those individuals indicted for specific war crimes, but also with the prosecution of twelve group trials selected in an effort to cover the range of German political and economic life which seemed to have contributed without duress to the aggressive policies of the Hitler government.

These cases included certain individual combines: the physicians and surgeons who used political prisoners for experimental purposes; the Storm Troop leadership which carried out the mass murders; the military leaders who had exploited occupied territories; the Justice Ministry which had violated all normal concepts of justice in condoning mass extermination; and the Foreign Office experts who had worked to create the international situation in which aggressive war promised ultimate success. While not all of these trials resulted in convictions, those which dealt with acts of atrocity were proved by overwhelming and incontrovertible evidence. Among these cases was the Einsatzgruppen Trial before a court of which Judge Musmanno was the presiding judge, and which he now describes from the record with which he is intimately acquainted.

Every effort was made to conduct these trials in solemn dignity under the recognised rules of law governing the submission of evidence and with a high sense of justice. It was essential that a complete record be made available to convince the German people of the relentless cruelty of the Nazi régime and the grasping rapacity of its leaders. Moreover, if such events were not to occur again, their full nature needed to be a matter of record.

It was my responsibility also to serve as final reviewing officer for the approval of the findings and sentences of the

courts in our zone of occupation. Here again, before final action, a careful review was made of the record to be sure that there was neither miscarriage of justice nor conviction based on evidence not normally accepted in a court of law. It was my view then and it is my view now that it was only through the record established under accepted rules of evidence before the International Military Tribunal and in our own courts that the true story of Nazi infamy was demonstrated to the German people and to the world. Moreover, if these trials had not been held some of the most ruthless murderers in the history of the world might well have escaped any penalty for their crimes.

I do not believe that the German people should be held for ever responsible for the Hitler régime, but it is important to re-examine the record now and then, particularly as the passage of time permits us to consider it with reasonable objectivity and while the story can be told by living participants in, or witness to, the history of the time.

The story which Judge Musmanno tells proves once again the wisdom of the Nuremberg Trials. Perhaps in its retelling we will find the inspiration to renew our faith in the democratic processes and realise once again the threat which any dictatorship poses to the safety of the peoples of the world. Unless we do occasionally re-examine the record, I fear we would soon refuse to believe that men and governments could have been so cruel.

GENERAL LUCIUS D. CLAY





## Chapter One

GIDEON HAUSNER, Attorney-General of Israel, and one of the most famous and talented lawyers of the era, rises in the courtroom in Jerusalem and announces to the bench: "I will call as my next witness, Michael A. Musmanno."

I start at the announcement, even though I have been expecting it and my heart plunges into a riveting hammer-beat as I realise I am now about to testify in a murder case where the defendant is charged, not only with murder of one, or a hundred, or even a thousand human beings, but with deliberately setting out to annihilate an entire race. . . .

We are in the Beit Ha'am, House of the People, four storeys high, attractive and immaculate, constructed of blocks of white stone quarried from the Judean hills—hills which for five thousand years have been witnesses to the fateful happenings in this reverent, colourful, spell-binding land of the Bible. The steps of the building which lead to its numerous rooms and balconies are made of granite brought from the land of Galilee which two thousand years ago knew the Man of Sorrows who preached of love and understanding.

Originally intended as a community house, the Beit Ha'am has been converted into a citadel of the law, within which each day there unfolds the incredible story of how

hatred slaughtered six million of the descendants of the people led by Moses to this very Israel, the Promised Land.

On the second floor of this distinguished structure one enters an impressively dignified courtroom, the walls tastefully done in acoustical tile, the floors carpeted to soften any footfall, the seats for the public upholstered in pale blue, the forward extremity a parapet of dark wood fashioned into a judicial bench with three high-backed chairs for the judges.

On the wall behind the bench one sees the Great Seal of Israel, a golden embossed Menorah, with its ancient seven-armed Jewish candelabra, flanked by golden olive branches against a black background.

The presiding judge, Israel Supreme Court Justice Moshe Landau, tall with benign, handsome features and superb poise, is a graduate of the London University of Law, steeped in the wisdom of Hebrew, Roman and Anglo-Saxon Law. At his right sits Judge Benjamin Halevi, President Judge of the Jerusalem District Court: under a shock of black hair, his expression is all eagerness to listen, absorb and inquire. On the left of the presiding judge sits Judge Yitzhak Raveh of the District Court of Tel Aviv, his reserved attitude veils his intense absorption and analytical penetration of evidence. He is a graduate of the Universities of Berlin and Halle. All three of the judges were born in Germany and speak German, English, Hebrew—and two or three other languages, for good measure.

Below the judicial bench a platform is busy with clerks and stenographers. A still lower platform accommodates the witness-box, and then, on a dais supplied with tables and chairs, the lawyers enact their ever-dramatic roles.

Off to the left, facing the judges and on a level with the witness-stand, a little glass house rises in startling innovation. Never has there been such an architectural feature in

any courtroom. It is the defendant's dock, encompassed in bullet-proof transparency to protect the accused from any possible act of vengeance on the part of some grief-crazed survivor of the crimes attributed to him.

Intended originally as a hall for concerts and operas, the Beit Ha'am provides seating accommodation on the main floor and in the gallery for seven hundred and fifty persons. Since visitors hail from all parts of the world, we are supplied with automatic interpreters—little transistor radios which hang about one's neck. By the operation of an appropriate button, one listens in French, English, German or Hebrew.

It happens occasionally that a spectator will wrathfully tear away the wireless contrivance, determined not to listen in any language, as he takes a handkerchief to streaming eyes, striving to wipe away searing memories of loved ones who perished in the particular episode being described by the current witness.

There are times when the terrible events described from the witness-stand so stagger the senses that one almost expects the lights to dim, the court to fade away, and the walls to disappear while a backdrop of horror comes into view like a change of scenes in a theatre. In that apparition we see boxcars being loaded with human freight at the urging of rifle butts wielded by steel-helmeted, jack-booted, iron-jawed figures. We shudder at the screaming of terrified children, the hysterical sobbing of helpless women, the melancholy protests of bewildered men. Three or four of the robots have squeezed and jammed into the railroad car the last pitious involuntary traveller; the sliding doors slam shut and padlocks snap with ominous finality outside. In still other cars more fighting, objecting pilgrims are being wedged in so tightly that sardines in a can seem by comparison, in roomy space. Now the loco-

motive wheels begin to grind . . . additional trains are sounding their whistles for clear tracks as they pound the rails in ghastly rhythm from other towns and localities. The destinations of the sealed-in cargoes? Thousands to Treblinka, many thousands to Maidanek, additional thousands to Buchenwald, still more thousands to Auschwitz—there to be worked to death, beaten to death, gassed to death.

Is all this a phantasmagoria of the mind? Here are the records, here are the bills of lading, here are the statistics, meticulously kept by the little thin man in the glass compartment in the days when he wore a trim, dashing black uniform; when heels clicked, stiff arms saluted and reports confirmed that the Führer programme of total extermination of the Jews was moving forward with efficiency, progress and dispatch.

The documents are in court signed by Eichmann, initialed by Eichmann, dictated by Eichmann. Witnesses speak of Eichmann; they saw and talked to Eichmann whose words of reproach and blasphemy they heard through stinging and burning ears.

Now I am in the witness-chair, observing this same Adolf Eichmann. He has been described by many commentators as "ordinary-looking", but he fits into no ordinary mould as I study him. Under the bright lights which flood the dais, his features, contour and minutest expression are as vivid as if the crystal walls and ceiling which enclose him formed a gigantic magnifying glass, emphasising every lineament of physiognomy and mood. His beady, snake-like eyes sink into a startling skull, over which the yellowish parchment of his skin crinkles and almost crackles as his tongue, in apparently continuous movement, bulges here and there the enveloping, cadaverous cheeks. His thin lips curl, twitch and bunch at either side of a mouth which

any fox could call its own. All the cunning and craft proverbially ascribed to the fox can be observed there in that cage.

I say "cage" because it has been so designated by many newspaper men, but it is not really a cage or box. Before my arrival here at the Beit Ha'am, I visualised the defendant's dock as a small and narrow compartment not much larger than a telephone booth. Instead, I see a commodious affair which could almost be compared to the glass-enclosed front of a bus. It accommodates three persons comfortably—Eichmann and two guards.

A portentous glint from the defendant's cavernous eyes persuades me that, if he were really operating a bus and I were directly in his path, as I am here, I would hear no warning gong and there would be no swerving—only a deliberate, murderous acceleration. . . .

As I begin to speak, Eichmann seizes his pencil and stabs at a notebook before him. Scribbling has become his constant occupation. Each morning he strides to his place with the documents which are to be presented in evidence during the day. He rapidly leafs through them, and then piles them neatly on either side. Now with blue and red crayons he underscores and makes notes. Then he plunges into writing, methodically and perseveringly. You can see him intently pursuing the characters to the end of each line and then going back to dot i's and cross t's. One can easily visualise him twenty years ago at a desk capping the "i" and finishing the "t" in "Auschwitz", as he consigned to the gas chambers and the crematories in that murder mill the countless hosts who are now ashes.

How and when did this macabre human being break upon the awareness of mankind? Although he must eventually be recorded as the most thorough and wholesale murderer in the history of crime, yet practically nothing was

publicly known of him during the period of his monstrous operations. The world knew of Himmler, of the butcher Hans Frank, and of the bloodthirsty Heydrich; but the name Adolf Eichmann was never a headline. There was a reason for this. He operated as clandestinely, furtively, and secretly as a weasel approaches a chicken farm. He held to his modest rank of lieutenant-colonel because this enabled him to conduct his work in murk and shadow. If he had been a general, the spotlight of notoriety would have starkly revealed him on the stage of his titanic criminality, and have prevented his escape in the event that the Führer's prediction of a thousand-year Reich should fail. Thus it was that, when the Reich fell apart like a hoopless beer barrel, the brass-spangled generals and admirals were caught as easily as bulls in a compound, but Eichmann slipped away—and kept away for fifteen years.

I first heard the name of Adolf Eichmann from the bulbous lips of Hermann Goering in his cell in the Nuremberg prison. At the time of my visit, many stories were afloat that Hitler was still alive.

As naval aide to General Mark W. Clark, commanding the Allied armies in Italy, I was present at the surrender of the German armies in that theatre of war. After the ceremony I talked with a few of the erstwhile enemy generals and lesser officers and noted that many of them happily expressed themselves as believing that Hitler had not perished in the Reich Chancellory bunker, as reported. I detected also in them an expectant attitude which seemed to say that the present capitulation was only temporary and that the book of war would again be opened for a far different concluding chapter as soon as the Führer would have dramatically emerged from his hideout. I reported to my Navy superior that this attitude, if not curbed, could generate a malignant mischief. It could keep Germany in

a state of constant ferment, with a large portion of its population nervously awaiting an Elba-like return of their Napoleonic leader. I recommended that the true facts of Hitler's disappearance be investigated. As a result of my report, Admiral William Glassford, commanding the American naval forces in Germany, assigned me to the task of conducting the investigation I had recommended.

Thus it was that shortly after the curtain rose on the Nuremberg Trial of the surviving members of the Nazi hierarchy, I called on them backstage in their prison cells, gathering information on the fate of their vanished leader. On my visit to Goering's cell, I was accompanied by Army Captain Gustave M. Gilbert, who, speaking German perfectly, interpreted for me.\*

When I asked the former Reichsmarschal whether, from what he knew, Hitler was dead, he replied promptly: "There's no question about it, Commander. The Führer is really dead." He affected a casualness in the statement but his massive and mobile face could not mask the bitterness which consumed him over the fact that Hitler, in his last will and testament, had appointed Admiral Karl Doenitz, instead of himself, as the new Führer.

It was this same will and testament which imputed to the Jews responsibility for the war and brazenly acknowledged the policy of exterminating them. Goering said that the persons mostly responsible for carrying that policy into grim realisation were Hitler himself, with Goebbels, Bormann, Himmler, Heydrich and Eichmann.

Ernst Kaltenbrunner, who headed the sinister Reich Security Main Office, expressed himself similarly. Joachim

\* Captain G. M. Gilbert of the Army Intelligence Corps was prison psychologist at Nuremberg and was in daily attendance on the defendants in the International Military Trial. He later published the diary he kept under the title *Nuremberg Diary*, one of the most important and revealing books on the whole Nazi hierarchy.



von Ribbentrop, Nazi foreign minister, stated angrily that he resented Eichmann's interference in the affairs of his ministry and deeply deplored the fact that Hitler had placed so much power in Eichmann's hands. Hans Frank, governor-general of Poland, who spoke to me in Italian, excitedly declared that there came a time when his conscience rebelled at what was being done to the Jews, that he could wade in blood no longer and that he went to Himmler to plead that the slaughter should cease. He said that Himmler referred him to Eichmann, and Eichmann gave him no satisfaction. All this I testified to on the witness-stand in the Beit Ha'am.

Eichmann's attorney, Dr Robert Servatius, barrel-chested, ruddy-faced and grey-haired, stands erectly to cross-examine. His theme is quickly bared: all the persons whose statements I quoted were conspirators. They had agreed among themselves to accuse Eichmann, in that way diverting attention from themselves. Servatius puts a well-packed question, because in its few words it includes not only an attack on Goering, but a defence of his client whom he has always called a "small cog" in the Nazi machine: "Did the Reichsmarschal try to palm off part of the responsibility on a small official?"

"He did not refer to Eichmann as a small official. On the contrary, he made it very clear that Eichmann was all-powerful on the question of the extermination of the Jews. He went into that at great length, that Eichmann had practically unlimited power to declare who was to be killed among the Jews—chronologically, and by segment of population, in what countries, geographically and so on."

Justice Landau advances Servatius's quest. "Did he [Goering] in this way try to evade or to deny his personal responsibility?"

I reply that, if Goering was endeavouring to clear himself of responsibility for criminality by accusing someone else, he didn't succeed because he was convicted and sentenced to hang for his crimes.

Dr Servatius, always courteous but doggedly persistent, as I had known him at the trials in Nuremberg, now takes up the testimony on von Ribbentrop: "If I understood you correctly in your testimony this morning, you said that Ribbentrop had informed you that Eichmann was actually the one who pressed on Ribbentrop for the implementation of his task."

"He did more than that. He said to me that Eichmann influenced Hitler. Of course, I'll be frank and say that I did not accept that, because I could not conceive of anyone influencing Hitler any more than one could influence a belching volcano." I add that Ribbentrop was a "cringing sycophant" of Hitler's.

"Did you actually believe Ribbentrop? Did you believe that what Ribbentrop told you in this respect was true?"

"I disbelieved him when he said that Eichmann influenced Hitler. That to me seemed nonsense." But I did believe him when he said "that Hitler had the utmost faith in Adolf Eichmann by putting into his hands, through Himmler, this programme of extermination of the Jewish people, the programme to which Hitler had referred in his speech in the Reichstag in 1939."

"If I understood you rightly, he tried to evade his own responsibility for the persecution and extermination of Jews?"

"I hadn't accused Ribbentrop of exterminating Jews. I was there talking with him about Hitler—asking whether Hitler was alive or dead. And he immediately began to defend Hitler, that Hitler wasn't responsible for the terrible conditions found in the concentration camps . . . and

for the terrible things that the S.S. men did; the man who was really responsible, he said, was Adolf Eichmann and his great regret was that Hitler had placed this unlimited faith in Adolf Eichmann. That was the motif of his entire monologue."

But Servatius insists that, when Ribbentrop accused Eichmann, his object was to exculpate himself of crimes with which he himself was charged. I reply that if Ribbentrop intended to evade responsibility "by accusing Eichmann, he failed—because he was hanged!"

The fact of the matter is that, if Ribbentrop and the others had intended to lie on the subject as to who was mostly responsible for the extermination of the Jews, it would have been far more logical—and their story would have been more easily believed—if they had accused someone holding a rank higher than lieutenant-colonel. It would have been a simple matter, for instance, for them to make a scapegoat of General Heinrich Mueller, Chief of the Gestapo, who was missing at the time, and still remains among the missing.

I turn to the Tribunal:

"What gave verisimilitude to the reply of Ribbentrop and the reply of Goering and the reply of Hans Frank and all the others that I mentioned this morning, in which they said that Eichmann was the man who headed the extermination programme of the Jews, was the fact that they didn't select the man who might have been more obviously acceptable as the culprit—and that was General Mueller who headed the Gestapo."

Evil, malevolent and vicious as a law-violator may be, it cannot be said that he is never capable of telling the truth. I now address myself to Dr Servatius: "It doesn't follow that, just because a criminal is accused and even convicted, everything he states must be erroneous and a



falsehood because—as you well know, Dr Servatius—in Nuremberg practically all of the defendants who were convicted were convicted by their own words, on their own statements, on their own confessions!”

Either Dr Servatius did not grasp what I said about Kaltenbrunner or he is deriving from it a meaning quite different from what was contained in my words. He now asks, in the form of an assertion :

“If I understand you rightly, you spoke also to the Commander of the S.D., Kaltenbrunner, who became Commander of the S.D. after Heydrich; and if I understood you rightly, he also said to you that he had no hand in the extermination and persecution of Jews and that he also imputed this guilt to somebody else.”

“I did not say that he said that he was not guilty. I said that he said that the men mostly responsible for the extermination of the Jews were Hitler, Himmler, Bormann, Heydrich and Eichmann. After all, I wasn’t accusing these men. They were merely talking to me, and perhaps, out of a guilty conscience, protesting that they weren’t the involved ones—although they didn’t put it that way. They all seemed to agree that Eichmann had a very powerful and authoritative hand in the programme of the extermination of the Jews.”

Presently Dr Servatius takes the tack that the only ones who accused Eichmann were men who were themselves defendants and, therefore, their statements had to be suspect. But in this he is in error, and I refer to the episode narrated to me by General Karl Koller, Chief of Staff of the Luftwaffe, who found himself an unhappy companion of Hitler in the Reich Chancellory bunker during the final days of the war. As the bunker throbbed and trembled to the bombs dropped overhead by low-flying Allied planes, the Führer realised not only that the war for him was lost,

but that he himself stood in grave peril of capture, ignominious treatment\* and eventual death.

Hitler's fury could not be contained. He maledicted his foes and even friends who he assumed had betrayed him. He issued edicts of death with a lavish but palsied hand. He ordered the execution of all Allied fliers who had fallen in German territory. He threw this particular order at General Koller and demanded its immediate implementation. Koller recoiled from this—constituting, as it would, flagrant violation of international law, rules of war, and, specifically, the Geneva and Hague Conventions—and hastened to confer with Ernst Kaltenbrunner who commanded the S.D. groups which were to carry the Führer's order into grim realisation.

Much to Koller's happy surprise, Kaltenbrunner agreed to help Koller circumvent the illegal and inhuman edict. He added, however, that he would experience difficulty with Adolf Eichmann, the chief executant of the enterprise to liquidate all Jews. He said that Eichmann would insist on shooting Allied flyers of Jewish origin. Koller then went to see Eichmann, but Eichmann remained adamant in his determination that Allied prisoners who had Jewish blood in their veins, no matter how little, had to be shot. Koller was able, in the end, to save the lives of the menaced prisoners by scattering them throughout the hundreds of thousands of Allied prisoners in the hundreds of prisoner-of-war camps.

Now Servatius endeavours to assail the reliability of Koller's report by asking whether it was not unlikely that in those final days in the Führer's bunker, when military problems were the "focal point of conversation", there

\*Russian radio had announced that, when captured, Hitler should, in carnival-like fashion, be transported throughout the country in a cage so that the people could mock and revile him.

would be any discussion about Jews. I reply: "The Jewish question was uppermost in Hitler's mind all the time. In his last will and testament, with his very final breath, he abused the Jews. There was never a time when he had any vacation from his main object in life—to kill Jews."

Servatius attacks from another quarter. Perhaps General Koller himself was anti-Semitic. "And the Air Force General Koller, who was so close to Hitler, did he have any different ideas with regard to Jews? Did he differ from Hitler? Was he a friend of the Jews? If I understand you correctly?"

"I don't know what were Koller's feelings, but certainly in my conversations with him he made it very clear that he looked upon the shooting of Allied pilots, men in uniform, as sheer murder." I add, by the way of emphasis, that even Kaltenbrunner, who was surely no friend of the Jews, agreed with Koller that "it isn't right to kill these men in uniform."

In addition, Kaltenbrunner expressed to Koller this estimate of Eichmann, whom he had known as a boyhood companion in Linz, Austria, and with whom he had been associated in the S.S. for many years: "You know, Eichmann is very jealous of his prerogatives and his job is to kill Jews; if you are trying to protect these fliers, you cannot save those who are Jewish-born, had Jewish parents, were of Jewish lineage, or are of Jewish blood."

As I recall Koller's narrative, visualising that scene where he practically placed his head in the lion's mouth by defying the raging Hitler to his teeth in the steaming bomb-shattered subterranean bunker, I express my admiration for him on the witness stand by stating that Koller "was very brave in refusing to go along" with the Hitler order.

Servatius, however, rejects any medal-pinning on Koller: "This courage you're referring to—was it actually the

courage after defeat? Mightn't Koller have behaved differently when he spoke to Hitler? Don't you think that what he's trying to say is simply an attempt after defeat to shift the burden of guilt on to somebody else?"

"But Koller was not accused of any crime—he didn't have to shift any guilt."

From Koller and Kaltenbrunner, Servatius passes to the dreadful affair of the Einsatzgruppen, in which, I testify, Eichmann had a grave responsibility.

## Chapter Two

WHEN ADOLF HITLER on June 22, 1941, savagely turned on his partner in crime, Josef Stalin, and hurled his mighty armies, headed by Field-Marshal Walter von Brauchitsch into Russia, there followed in their wake the Einsatzgruppen, the most extraordinary band of killers which ever reddened the pages of history, while blackening the soul of man. The task of the Einsatzgruppen was not to help Brauchitsch overcome the armed resistance of Russia; its function was not even military. It was made up of four battalions of expert riflemen charged with the unique assignment of slaughtering all human beings in whose veins coursed Jewish corpuscles.

During the latter days of the war, twenty-four of the Einsatzgruppen leaders were captured and brought to Nuremberg where they were indicted for having murdered one million unarmed men, women and children. (One of the prisoners committed suicide before the trial.) I presided over this trial and it was because of what I learned in Nuremberg, both as a judge and as an officer of the Navy, that I was invited to testify at the Eichmann trial.

One day, as I sat in the visitors' gallery in the Beit Ha'am listening to witnesses relating the fearful experiences of which they had been victims during the Nazi reign of



terror, I found myself suddenly pressing the stethoscope projections of my transistor radio closer to my ear drums so as not to miss a word of the English translation that was pouring from it. The witness, a middle-aged, slender woman with grey hair and a haunted expression, was relating, as she twisted a handkerchief in her hands and occasionally dabbed at her eyes with it, how a unit of the Einsatzgruppen invaded Zagrowski, the town in which she lived in White Ruthenia.

Early one morning she was awakened by the galloping of horses. She saw S.S. officers heading for the synagogue where they broke down the doors and converted it into a stable. Then, with her neighbours, she was ordered by S.S. troopers to gather up her belongings and appear in the market square. Five hundred Jewish families trudged to the meeting place. Here the steel-helmeted invaders ordered the rabbi of the town to don his praying shawl and preach a sermon. When he refused, they beat him and insisted that he sing and dance. His neighbours tried to rescue him, crying out "Hear O Israel!" and were themselves beaten in turn.

During this tumult, a number of Einsatz trucks rumbled up to the square and the Jews, wearing their Star of David badges, were herded into the vehicles. No room, however, remained for Mrs Yosselevska and her eight-year-old daughter Merkele in the truck to which she had been directed, so she was thrown with the others behind it and ordered to follow. As the truck gathered speed on its way to the Jewish cemetery three kilometres away, she had to run at top speed, for otherwise she would be shot for not maintaining the pace. Other Jews, who stumbled and fell, sprawled and writhed in the road from bullets fired by the guards riding in the truck. When they arrived at the cemetery, Mrs Yosselevska saw that a large pit had been dug

and that many of her neighbours were already standing at the edge, as the riflemen got into position.

"We were still hoping," Mrs Yosselevska cried from the witness-stand, that what she saw was only intended as torture. "Maybe there is hope—hope of living." She recalled that, when they had been summoned that morning, her daughter had said: "Mother, why do you make me wear the Shabbat dress; we are being taken to be shot." Now in the cemetery the little girl rallied and urged: "Mother, why are we waiting, let us run!"

The witness paused for a moment, as if communing with her little girl; then in a scalding torrent of words she told how "some of the young people tried to run, but they were caught immediately, and they were shot right there."

The Einsatz officer in charge ordered the newcomers to undress. Mrs Yosselevska's father refused. Two S.S. men leaped at him and stripped away his outer clothing, but he stubbornly resisted their efforts to tear away his underwear because, he said, human dignity would not permit him to stand naked before others. A rifleman's bullet ended his speech of human dignity and he toppled into the pit. Another executioner shot Mrs Yosselevska's mother. Her grandmother, eighty years of age, was holding two small children in her arms. They all fell before a leaden hail of fire. Her father's sister and her two children, who were screamingly holding on to her dress, dropped before the next volley. Now listen to Mrs Yosselevska describing what happened to her sisters:

"There was my younger sister, and she wanted to leave; she prayed with the Germans; she asked to run, naked; she went up to the Germans with one of her friends; they were embracing each other; and she asked to be spared, standing there naked. He looked into her eyes and shot the two of them. They fell together in their embrace, the

two young girls, my sister and her young friend. Then my second sister was shot and then my turn came."

By this time muffled sobbing and ill-restrained gasps of terror rose from every row of seats in the emotion-charged courtroom. I felt my eyes swimming. Then, almost as if someone had called out for silence, everyone wiped his tears, swallowed his sobs and leaned forward so as to hear again the faltering voice of the witness who was now relating how one of the Einsatzgruppen men, with a rifle in his grasp, demanded to know of her whether he should shoot her or her child first. Mrs Yosselevska replied by spreading her arms shield-like around her little girl in her new dress. The executioner tore Merkele out of her mother's grasp, shot her and threw her into the grave. Then he shot Mrs Yosselevska. She tumbled into the pit with the others.

Later she revived. The bullet had not produced a fatal wound; it had only grazed her skull. As she regained consciousness, she did not believe herself to be alive. She assumed that this was the feeling which one experiences after death. Here is what now came through the transistor and beat at my almost numbed eardrums:

"I thought I was dead, that this was the feeling which comes after death. Then I felt that I was choking; people falling over me. I tried to move and felt that I was alive and that I could rise. I was strangling. I heard the shots and I was praying for another bullet to put an end to my suffering, but I tried to save myself, to find some air to breathe, and then I felt that I was climbing towards the top of the grave above the bodies. I rose, and I felt bodies pulling at me with their hands, pulling me down, down, down. And yet with my last strength I came up on top of the grave and, when I did, I did not know the place, so many bodies were lying all about, dead people; I wanted

to see the end of this stretch of dead bodies, but I could not. It was impossible. Some were lying, all dying; suffering; not all of them dead, but in their last sufferings; naked; shot, but not dead. Children crying: 'Mother!' 'Father!' I could not stand on my feet."

She stumbled into woods near by to agonise in her unbearable bewilderment and then returned to the pit. The Einsatz men had now left. She wanted to die.

"I was praying for the grave to open and swallow me alive. Blood was spurting from the grave in many places, like a well of water, whenever I pass a spring now, I remember the blood which spurted from the ground, from that grave. I dug with my fingernails, but the grave would not open. I did not have enough strength. I cried out to my mother, to my father: 'Why did they not kill me? What was my sin? I have no one to go to. I saw them all being killed. Why was I spared? Why was I not killed?'"

Three days later a farmer found the wounded woman and took her to his home. His wife fed and nursed her and then, when she was able to move again, she joined other Jews in the forest. She remained with them for three years until her town was liberated by the Allied forces.

By the time Mrs Yosselevska had finished her testimony, the courtroom was a sea of piteous emotion. I saw one woman scream—I say *saw* because no sound issued from her gaping mouth; her eyes bulged and her face contorted in a horror beyond audible expression.

It was an awkward moment for Dr Servatius, defence counsel. When the Attorney-General asked him if he wished to cross-examine the witness, the audience shot angry looks at him as if he had in some way aided and abetted the murderers of Zagrowski. No sooner had he replied "No questions" than the choking spectators uttered murmurs and growls of derision. Justice Landau immediately

restored order, called on the audience to "show respect", and declared a twenty-minute recess.

In the corridors of the Beit Ha'am I encountered Attorney-General Hausner who asked me to meet Mrs Yosselevska, who had retired to his office to recover from the ordeal of her testimony. As I extended my hand to her I could see in her gaunt, sad face the lines which told, as they probably will tell as long as she lives, the story of the ghastly tragedy which inscrutably rescued her from the grave to leave her living in constantly recurring pain, the memory of the immolation of her entire family\*.

In making the introductions Mr Hausner informed Mrs Yosselevska that I had been the presiding judge of the tribunal at Nuremberg which had imposed justice on those who were responsible for the massacre of Zagrowski. She had not released her hold on my hand as she said. "Oh, thank you, Mr Judge, for having vindicated us. When I was in that grave I thought the whole world had forgotten us, that all the people of the world had abandoned us, but I see now that we were not forgotten."

As she spoke, Attorney-General Hausner's office seemed to disappear, the walls of the Beit Ha'am to vanish, and in reverie I felt myself back in the Nuremberg Palace of Justice, sitting in judgment on the Einsatzgruppen.

\*In his final summing-up speech, Mr Hausner delivered this beautiful tribute to Mrs Yosselevska and, at the same time, to the brave little nation which is now her home and her new life. "Rivka Yosselevska exemplifies in her personality all those tragic events which befell this nation. She was shot. She was in the grave, among the dead. Everything dragged her downwards and downwards, towards death. Wounded, with incredible strength, she arose from the grave. Her wounds healed, but her heart is broken and lacerated for ever and ever. She found asylum in her State, rebuilt a home and rehabilitated herself. She foiled the evil design of her oppressors: they wanted to kill her, but she is alive. They wanted to obliterate her from the face of the earth, but she has given new offspring to the world, the dry bones have taken on flesh and blood and a new spirit pervades her. Rivka Yosselevska symbolises the Jewish nation."

How did this incredible organisation come into being?

On January 30, 1939, Hitler shrieked to his howling henchmen in the Reichstag that if a new war came (knowing full well, of course, that it was on the way—he had already saddled the four horses of the Apocalypse), it would mean the “annihilation of the Jewish race in Europe”. His accomplice, Julius Streicher, appropriately termed by Justice Robert M. Jackson as the “venomous vulgarian”, had even exceeded Hitler’s dire prediction. In September 1937, he had shouted to his brown-shirted bullies of the streets: “Full and final victory will have been achieved only when the *whole world* is rid of Jews!”

What to outsiders sounded at the time like Nazi bombast was to develop into shocking reality. Hitler did indeed undertake to “rid the whole world” of Jews. To head this Satanic project he chose Heinrich Himmler, Reich leader of the S.S. and Chief of German Police. Next in command came Reinherdt Heydrich, Chief of the Reich Security Main Office (usually referred to as the R.S.H.A.). This fortress of Nazi indomitability had been set up to consolidate into one interlocking entity all offices and activities of propaganda and terror to ensure the Hitler dictatorship. It was made up of seven departments, all committed to the inexorable programme of destroying those who would question the supreme power of the Third Reich.

Department IV, the Gestapo, stood out as the most ruthless of all. With its scope of activity ominously designated as “Enemies—Investigation and Extermination”, it became, even in its early days, the symbol of unmitigated brutality and violence against all assumed and *suspected* enemies of the Reich. Headed by S.S.-General Heinrich Mueller, the Gestapo’s work was divided among various sections and sub-sections. One of

them, B-4, was entitled "Section for Jewish Affairs", which was simply a ghastly euphemism for the all-sweeping murderous programme to wipe out the Jews in Germany and Nazi-occupied territories. The numerous operations involved in this gigantic homicidal project were so varied and of such proportions that the administrative offices alone required the services of a separate four-storey building at 116 Kurfürstenstrasse, Berlin. In time this section became known as Department IVB4, the trademark for Jewish annihilation.

In considering possible appointees to the post of directing the exquisite business of Department IVB4, Himmler had to look for someone who would be "super-human-inhuman" (Himmler's own phrase); one who would be devoid of every humane reflex, who would be sheet metal to sympathy, cast iron to compassion, cold steel to mercy—a man with a brass-plated consciousness from which blood would run like water from the proverbial duck's back.

Unfortunately he was to find a person who answered to all the specifications of this inexorable blueprint. It turned out to be Adolf Eichmann, whom he later called his "master craftsman". This uncommon human being had hated Jews from childhood, nor was there any evidence that he had demonstrated compassion and love for any other segment of the human race. Born in Germany, his family moved to Linz, Austria, when he was only eight years of age and there he attended school and grew into adulthood, working with several commercial firms. During all this time he mingled with Jews, acquainting himself with their customs, traditions, and ambitions, anticipating that one day the opportunity would arrive for him to use that knowledge to their undoing. While organising teen-age gangs to beat up Jewish schoolchildren, he studied

Yiddish and Hebrew to prepare himself for his later all-out attack on their elders.

The violent burgeoning Nazi movement with its organised hoodlunism, street-fighting rowdyism and frenzied devotion to Hitler and his fanatical anti-Semitism was the answer to Eichmann's desperate aspiration for supremacy over the Jews. In 1927, when twenty-one years of age, he joined the German-Austrian Front Fighters; in 1932 he enlisted in the S.S. under the sponsorship of his fellow-townsmen and friend Ernst Kaltenbrunner, already a person of consequence in Nazidom and who, in the years to come, was to occupy the high-powered office of chief of the R.S.H.A. and still later to hang at Nuremberg for his criminal operations.

In 1933 Eichmann entered into his S.S. training at a camp in Lachfeld and then in 1934 we find him, a corporal, at the notorious Dachau Concentration Camp, an enthusiastic pupil in the school of maltreating and torturing prisoners. In 1934, already promoted to sergeant, he joined the sinister S.D. and, with thrilling anticipation, saw himself assigned to the Jewish section of that organisation, working cheek by jowl with the Jewish Section of the Gestapo. Two years later he was commissioned an officer in the S.S.

Aggressively eager for attention which would win him preferment and promotion with broader opportunities for attaining his cherished objectives, he dug into the bag of fable and came up with a story that he had been born of an ancient German family in Palestine, thus making himself a proud and haughty descendant of the teutonic Knights Templar of the Crusaders, who had fought in the Holy Land. Before the veneer of this crude falsehood peeled off, he was sent on a mission—on the assumption of his knowledge of affairs in Palestine—to the Middle



East, for the purpose of laying plans for a spy system in that part of the world. When he arrived in Palestine in the summer of 1937, his pockets jingling with gold for bribing purposes, his grandiose plans miscarried. The British holding the Palestinian mandate penetrated his thin disguise as a casual traveller and ordered him out of the country.

Never disturbed by a temporary setback, and possessed of a resourcefulness which enabled him often to turn misadventure into an advantage, he proceeded to Cairo where he called on Haj Amin El-Husseini, the Mufti of Jerusalem, one of the most virulent Jew-haters on the globe. He was to say later, when he learned that 4,000 Jewish children had escaped the death intended for them, that this was an "unbearable scandal". He enthusiastically welcomed Eichmann and together they laid the groundwork for future joint plans to destroy the Jews living under Arab influence. In December 1941, he visited Germany, was received by Hitler and gratifiedly toured the concentration camps with Eichmann.

As a result of Eichmann's daredevil mission into the Middle East, supplemented by later incursions into Jewish communities and settlements, plus an intensive study of Jewish folklore—all done in a manner to impress his S.S. superiors—Eichmann rapidly acquired the reputation of being the most informed and experienced "expert on Jewish affairs". It was only logical that he should soon take over the establishment in Berlin known as the "Scientific Museum for Jewish Affairs", engaged in increasing its detailed knowledge on Jewry, Zionism in all its aspects, the names, whereabouts and facilities of Zionist leaders in all parts of the world, and particularly the holdings of Jews, wherever situated.

Having demonstrated his initiative, forcefulness and

intransigency in furthering anti-Semitic measures, Eichmann was directed in 1938 to proceed to Vienna to manage the project of driving the Jews out of Austria. He burst upon the Austrian Jews like a reincarnated Robespierre. As the French revolutionist always adorned himself in the fanciest of attire—silken breeches, brocaded coat and silver-buckled slippers—when he sat down to sign death warrants during the Reign of Terror, Eichmann always made his dramatic entrance arrayed in custom-tailored, highly ornamented uniforms and glittering boots. The gleaming pistol at his side, which seemed more like an adornment than a weapon, did not strike as much fear as the cold arrogant manner with which he ordered groups of Jews into his headquarters and icily informed them that their homes were to be confiscated, their property seized and, in addition, they were to pay—with all their financial resources—for the permits which would “allow” them to leave their homeland to become bitter outcasts in the unsympathetic world at large. “Every Jew who left Austria enriched the Reich,” Eichmann admitted at his trial.

A measure of his moral insensibility can be gathered from the following episode. One day a delegation of Jews called on him and asked that he allow the removal of the remains of their beloved founder of Zionism, Theodor Herzl, from Vienna to Palestine. Eichmann upbraided them for their temerity and slapped the face of their leader, Dr Loewenherz. Then suddenly his mood changed. He whipped out a cigarette, ignited it with the flame of a jewelled lighter, blew smoke into the face of Dr Loewenherz and told him he would be glad to bargain with him and his group over the coffin of Theodor Herzl. With the air of one having made a considerable concession, Eichmann testified at his trial that “I told him [Loewenherz]

that, if I was to look out for his affairs, he should do something for me—to arrange for 8,000 additional Jews to emigrate from Vienna.” Of course, “emigration” meant homelessness, privation and often complete disaster, followed by a rapid or slow death.

The results attained by Eichmann in Austria so gratified Himmler that in 1939 he recalled him to Berlin and installed him as chief of the Central German Authority for Jewish Emigration. He was now on his way up. He wielded authority and could indulge his fondness for alcohol. He liked schnaps, wine, beer, liqueurs of all kinds and on occasion, in celebrating some triumph, he would offer a toast with what he described as “brandy made of the milk of mares”—*Schnaps und Stutenmilch*. With an invariable swagger-stick under his arm and a drink or two in his stomach, he warmed to his task. He directed the brutal expulsion of Jews from Germany, from Poland, from Czechoslovakia, and then at last he moved into the fortress of uncompromising oppression, the R.S.H.A. He could now say, as he did in a letter to his friend: “They are in the palm of my hand, these Jews; they dare not take a step without me. I make them scurry about, these gentlemen, you may well believe me.”

Although it was not within the range of his duties to ensure that all Jews wore the Star of David, he enjoyed watching the cutting of the badge which was to be the Jew’s mark of humiliation and oppression. For this purpose he had enormous bolts of yellow cloth brought into his office and occasionally he would scissor a star and pin it on some visitor whom he particularly disliked.

The day after I testified at the Eichmann trial in Jerusalem, a kind-faced, white-haired clergyman, Dean Heinrich Grüber of the German Evangelical Church, testified to conversations he had had with the defendant

in Nazi Berlin on behalf of persecuted Jews. He described Eichmann as a "block of ice or marble, completely devoid of human feelings", harbouring anti-Semitism and "rabid hatred which was absolutely boundless".

Dean Grüber was to pay dearly for his humanitarian impulses. Eichmann committed him to the concentration camp in Sachsenhausen where, in the process of "interrogations", his teeth were knocked out and several bones fractured. Later he was transferred to Eichmann's former training ground, the nefarious Dachau concentration camp, where further tortures and privation so ruined his health that his days are now numbered. In spite of all this, at the trial of his tormentor, he spoke with compassion and expressed the hope that everyone, including the defendant, "would find forgiveness before God's throne".

If, as Grüber spoke, Eichmann looked less formidable and thinner than he did when he monarchised in Berlin, it was not because there was any indication that the block of ice in the prisoner's dock was melting.

Enthusiastic reports on Eichmann's Robespierrian talents were inevitably to reach the inner sanctum of the supreme chief of chiefs, Adolf Hitler himself. Thus when Himmler informed him that Eichmann was his choice for the project which the Führer had dreamed of in his *Mein Kampf* days—the complete and unconditional extermination of the Jews—Hitler approved.

## Chapter Three

IN ALL JEWISH OPERATIONS, the R.S.II.A. chain of command linked from Hitler to Himmler, Himmler to Heydrich, Heydrich to Mueller, and Mueller to Eichmann. However, since the "final solution of the Jewish question" lay close to Hitler's heart—if one can use that term in so ghastly an association—Hitler occasionally snapped the intervening links and dealt directly with Eichmann, through Himmler, although it is doubted that Hitler and Eichmann ever actually met. Thus it was that Himmler made Eichmann the chief engineer of the most extensive murder apparatus in the history of the human race. And thus it was also that Eichmann, with the power of Himmler behind him and, when necessary, the omnipotence of Hitler himself, brandished, although only a lieutenant-colonel, a mightier baton of power than a Field-Marshal or Chief of Staff.

In my testimony at the trial in Jerusalem, I related how, in the summer of 1944, a Berlin court, unaware of Eichmann's clandestine "connections", ordered his arrest, charging him with cruelty and corruption in office. When the warrant arrived at the Gestapo headquarters, General Mueller almost laughed aloud. Politely, but not too politely, he informed the process-server that Eichmann

was working on a special mission for the Führer; and the members of the Court, now advised of their judicial *faux pas*, redfacedly withdrew the warrant of arrest.

When the shadow of pitiless persecution first began reaching towards the Jews, the deadly triad of Himmler, Heydrich and Eichmann exercised a modicum of restraint in the gratification of their strongest desire. They, of course, were of one mind that the Jew had to die, but they doubted that in Nazidom, generally, summary executions at this time would be accepted without forebodings. They accordingly decided to approach the problem obliquely. They would see to it that Jews were deprived of all means of livelihood so that eventually they would starve to death; they would be made to perform unbearable tasks like carrying backbreaking blocks of stone so that excessive fatigue, plus inadequate food, would break all physical endurance, with inevitable death following; they would be shipped to poisonous areas where lack of fresh water and edible food would breed disease and cause eventual death.

Eichmann planned the deportation of millions of Jews to the island of Madagascar where they would succumb to the rigours of a primitive land and, again, insufficient nourishment. This plan, which aroused enthusiasm among many top Nazis, never achieved realisation because (1) Madagascar belonged to France and, although that country now languished beneath the heel of Nazi conquest, she still raised difficulties over her distant colony; (2) the island was already populated so that Eichmann's plan meant transporting the natives elsewhere before bringing the Jews in; (3) the whole undertaking would move too slowly in "killing off the Jews".

At his trial Eichmann pointed to Heinrich Himmler, Reinhardt Heydrich and Oswald Pohl as the "triumvirate"

responsible for the extermination of the Jews. I was one of the judges of the Nuremberg tribunal which tried Pohl and sentenced him to hang for his crimes as chief administrator of the concentration camps. One could imagine that as Pohl mounted the gallows to expiate his crimes, his arms showed red from their long immersion in the blood of innocent Jews. His offences were many and sanguinary. Nevertheless, he did not perch on so high a rung of the Nazi ladder that he could substitute for Eichmann in the macabre trio which, in the early part of 1941, met, conferred and concluded that an out-and-out rapid method for complete elimination of the Jews must now be adopted.

Heydrich opened the discussion by considering the various means available in the concentration camps for killing Jews—there had already been some experimentation along this line. Eichmann, however, expressed the view that transporting Jews to extermination centres involved a huge waste of locomotive power and gasoline. What for? Just to kill them? And then there had to be considered, in addition, the expense and trouble of feeding and sheltering them and preventing their escape. Why not adopt a simpler method? Why not take the executioners to the Jews, instead of transporting the Jews to the executioners? In this way there would be no long waits, no costly maintenance of prison camps with barbed wire, guard towers, bloodhounds and electricity-charged fences.

Specifically, Eichmann recommended the formation of a mobile force which, moving in fast trucks and motor cars, could keep pace with the army and shoot the Jews on location, as had been done in the successful Polish campaign. Himmler's avid eyes glittered as he visualised the bountiful harvest which Eichmann's proposal envisaged in the East. He, however, would not relinquish the

concentration camp liquidations. He would recommend to Hitler that both plans operate simultaneously.

Later, of course, with the perfection of the zyklon B gas procedure, Eichmann embraced eagerly the gas-chamber method for mass killing and himself took over the directorship of that multitudinous-murder operation. He remarked at the time that it was more "elegant" to kill by gas. However, for the present he pressed the mobile force plan. When it was submitted to Hitler, he approved at once, and the Einsatzgruppen (Action Groups) came into being.

Himmler ordered Heydrich to proceed immediately with implementation of the project. Heydrich turned for co-operation to Field-Marshal Brauchitsch, now preparing for the Russian invasion. The Field-Marshal, as a military man, did not like the smell of the broth which Heydrich passed under his nose. However, since Hitler had approved the recipe, Brauchitsch appointed his quartermaster-general, General Wagner, to confer with Walter Schellenberg, Heydrich's assistant, as to how it was to be served. In the end the Army and the R.S.H.A. entered into a written agreement that the Einsatzgruppen units were to accompany the invasion forces in order to protect the rear forces of the Army in territory conquered in the East.

When, at the Eichmann trial, I testified to these negotiations and arrangements between the Army and the R.S.H.A., Attorney-General Hausner asked me if the purpose specified in the written agreement between these two organisations represented the truth. I replied that it did not.

"This agreement was a false façade because the Einsatzgruppen organisation was not a combat outfit. Hardly any one of the officers had any military training. The



Einsatzgruppen organisation, in point of fact, was a slaughterhouse on wheels."

The reason for camouflaging the R.S.H.A.-Army agreement was that the Army authorities had no official stomach for the Jewish murder project. Field-Marshal Brauchitsch was perfectly willing to feed the Einsatzgruppen, service their vehicles, supply them with ammunition when they ran short, but he disliked being formally recorded as knowing they were murdering unarmed civil populations, a procedure, of course, wholly outside the sphere of legitimate warfare.

In fact, no one of the officials cognisant of the homicidal operation would openly admit knowledge of its purpose. Thus, the word was orally circulated among the participants in the barbarous venture that the Jews were to be executed, not because they were Jews but because they were enemies of the Reich and therefore would endanger the political security of all lands flying the swastika.

Even later, when no one could doubt the real objectives of the Einsatzgruppen, Eichmann, who made a trip through the Carpathian area looking for Jewish-concentrated country, said to his friends when he returned that he had been away on a bear hunt.

Heinrich Himmler, however, never had any inhibitions with regard to speaking on his favourite subject of murder. In a fire-and-brimstone speech to the S S., he proclaimed.

"It is not our task to Germanise the East in the old sense, that is to teach the people there the German language and the German law, but to see to it that only people of purely Germanic blood live in the East."

The Einsatzgruppen plans finally drawn up in the R.S.H.A. provided for four mobile groups, lettered A to D. Einsatzgruppe A was to operate in Latvia, Lithuania

and Esthonia; Einsatzgruppe B in the direction of Moscow south of A's jurisdiction; Einsatzgruppe C would cover most of the Ukraine; and Einsatzgruppe D would do its work in the southern part of the Ukraine, the Crimea, and the whole of the Caucasus area. Each Einsatzgruppe was to be divided into Einsatzkommandos and Sonderkommandos, the Kommandos in turn being broken into smaller groups known as Teilkommandos. For the purpose of size and organisation, an Einsatzgruppe could roughly be compared to an infantry battalion, an Einsatzkommando or Sonderkommando to an infantry company, and a Teilkommando to a platoon.

To lead the respective Einsatzgruppen, Eichmann recommended to Heydrich and Himmler men with a capacity for Semitic destruction as intense as his own. The men eventually appointed were Walter Stahlecker, to Einsatzgruppe A; Arthur Nebe for B; Otto Rasch for C; and Otto Ohlendorf for D. Rasch and Ohlendorf were eventually brought to trial; Stahlecker and Nebe were killed before the end of the war.

In the field this R.S.H.A. operation, many of whose subordinate officers were taken from the R.S.H.A. offices\*, would be under the tactical command of the Army commanders, but functionally it would be directed, supervised and controlled by Heydrich, acting through Eichmann.

From time to time Eichmann was to inspect the various units in action, but now he would outline for the officers the *modus operandi*. As each Kommando or sub-Kommando would take over a city or any other populous centre, its leader was to summon Jews in the territory (up to twenty-four, including rabbis), and inform them that for

\*For instance: Franz Six from Department VII, Martin Sandberger from IB3, Werner Braune from IA4, Willy Seibert from IIID, Eugen Steimle from VIB, Franz Schulz from IV A4, Walter Blume from IA, Walter Haensch from ID.

their own benefit plans had been made to resettle the Jews in another region removed from the ravages of war. These outstanding citizens were then to form themselves into a body to be known as the Jewish Council of Elders. This Council with suitable personnel would draw up a list of all the Jews in the area and direct them to assemble at a given point, bringing with them all their possessions: money, deeds, jewellery, clothing, furniture—everything they could call their own.

Eichmann's scheme exceeded his fondest anticipations. When the summoned Jews arrived at the rendezvous as instructed, their goods were confiscated in the name of the Reich. Then, with empty hands, they climbed into the trucks which drew up before them; and without further ceremony they were rapidly driven to a previously designated execution ground, there to fall before firing squads. After this was done, the Council members, who were required to endure the torture of standing by to see how they had unwittingly been the agents for the destruction of their dearest ones, were themselves shot.

Occasionally, doubts arose as to whether certain groups of individuals were to be classified as Jews. One sub-unit of Einsatzgruppe D, later operating in the Crimea, encountered a sect known as Krimchaks. No precise standard existed for determining whether the Krimchaks were or were not Jews, and thus, if they were or were not to be shot. Very little could be ascertained about the Krimchaks except that they had migrated into the Crimea from a southern Mediterranean country, and it was known they spoke the Turkish language. Rumour had it, however, that somewhere along the arterial line, running back into the dim past, some Jewish blood had entered the veins of these people. Did this make them Jews and should they accordingly be shot?

A radio inquiry flashed to Department IVB4. Eichmann obtained from Department VII of the R.S.H.A., which dealt with "Ideological and Scientific Racial Research", ethnic books and the *Encyclopaedia Judaica*. He turned these over to several clerks and ordered them to submit a report on the Krimchaks. The underlings, knowing full well what answer they were looking for, since there was less chance of being reproved for resolving the question in the affirmative rather than in the negative, got together a learned paper demonstrating how the Krimchaks had to be Jews. From a wireless tower in Berlin crackled the message to the Einsatzgruppe forces in the Crimea that Krimchaks were Jews and therefore were to be shot. They were shot.

Although Eichmann was certain that he would never have to answer to anybody for his deeds, he nevertheless entertained the thought that the record might look less incriminating if the extermination programme were not limited to Jews. No matter how far he had drifted from the anchorage of moral responsibility, he still knew that, in the eyes of some, the slaughter of a people for racial reasons might be regarded as slightly illegal. The argument that Jews were a menace to national security had to be bolstered with some tangible evidence. Even at his trial, Eichmann admitted that "the Jews never came bearing arms against the Reich". Thus some plausible explanation had to be offered as to how and why the Jews constituted a menace.

Eichmann found that plausibility, not by adducing evidence against the Jews, but by asserting that there were others who were also guilty. If the Einsatzgruppen would kill some other group—for instance, the gypsies—then it could not be said that the Jews were killed simply because they were Jews, since many non-Jews would have

been killed with them. Moreover, adding other groups to the death list would in no way lessen the efficiency of the project to wipe out Jewry. Eichmann accordingly recommended to Heydrich that gypsies be added to the catalogue of the doomed.

Gypsies have rarely been involved in the politics of a country in which they have taken up their ever-temporary abode. Loving gay colours, they have through the centuries brightened many a rural community with their colourful and picturesque garb.

Many of their melodious folk tunes were adapted by such celebrated composers as Franz Liszt and Johannes Brahms. Although they have sometimes baffled and annoyed with their incessant wanderings, indolent habits, occasional pilfering, and fantastic fortune-telling, no one had ever condemned them as a mortal threat or advocated their permanent removal from organised society. That is, no one but Eichmann and his homicidal hoodlum partners, with their maniacal plan to rebuild the human race in accordance with what they conceived to be the perfect, biologically Aryan civilisation.

No Council of Elders was needed to select the gypsies from a cosmopolitan population. In their gaily painted wagons and tents they formed a bright patch on the landscape of any region and could easily be found. It was a simple matter to tell them they were to be moved, and it brought them no heartache to be so informed. Journeying was the very motif of their existence, travelling was the breath of their nostrils. They were told that for safe-keeping they should place their violins, guitars, folded tents, extra clothing, gold bracelets, earrings and other jewellery into trucks which stood by. This done, they were invited to mount their wagons while some were loaded into other trucks. With smiles they obeyed and then,

singing merrily, they rode to their new camping ground—an anti-tank ditch in the woods. There the smile faded from their faces and the notes of the song stuck in their throats as they beheld the guns in the hands of the Einsatz sharpshooters.

The Nazi global prospectus proposed a supreme master race, and it was inevitable that weaklings, incurables, and mental patients would find no place in the Hitler temple of perfection. Of course, if the caretaker of such a temple were to insist on the Nazis themselves complying with the qualifications which they imposed on others, very few of the leaders could gain admittance: Hitler was round-shouldered and a subject of Parkinson's Disease; Goering was pathologically corpulent and a drug-addict; Goebbels, who preached the Nietzschean doctrine of physical dominance, was a gnome-like creature who climbed to the platform on club feet; Himmler, without plate-glass-thick lenses, could not see beyond the tip of his predatory nose; Rudolf Hess fluctuated between aberration and outright insanity; Keitel, heading the military might of Germany, marched on flat feet; Jodl, chief of operations, was bent under chronic lumbago; and so on. Nevertheless, since the Einsatzgruppen were to be engaged in perfecting the world, it would be no trouble for them to empty the insane asylums which, after all, occupied valuable building space which could be adapted to better purposes. Accordingly, the Führer-Order, as the annihilating directive was now designated, was extended to kill off the mentally ill.

This extension often turned out to be quite convenient. On the outskirts of Poltava, a city in central Ukraine, one of the Sonderkommandos came upon a farm operated by mental patients. The administrator of a German military officers' hospital within the city asked the Kommando

leader to obtain at the farm a quantity of full cream milk for his patients. The leader investigated and found that the yield from the cows was only adequate to meet the needs of the mental patients, but the Kommando chief was equal to the occasion. If the supply could not meet the demand, he would diminish the demand. The chief reported: "A way out of this difficulty was found by deciding that the execution of 565 incurables should be carried out in the course of the next few days under the pretext that these patients were being removed to a better asylum in Charkow."

In south-eastern Latvia a slight mistake was made and twenty healthy children, temporarily lodged in an asylum, were executed with forty mentally disabled children. The Kommando leader reported: "On August 22, 1941, mental patients from the Psychiatric Hospital in Daugavpils—approximately 700 adults and 60 children—were shot in the small town of Aglon. Among them were 20 healthy children who had been temporarily transferred to the building of the hospital from a children's home."

"Asiatic inferiors" was still another category destined for liquidation by the Einsatzgruppen. This designation allowed wide discretion. Einsatzgruppe and Einsatzkommando leaders were authorised to take executive measures on their own responsibility. There was no one to dispute their identification of "Asiatic inferiors". And there was even less curb on homicidal operations in their authorisation to shoot "asocial people, politically tainted persons, and racially and mentally inferior elements".

And so it was that in the spring of 1941, just as much of the world was wondering what possible further manifestations there could be of Hitler's proclaimed hatreds, Eichmann's Einsatz forces were gathering for instruction

and training in the most ambitious hate-fulfilling expedition in the annals of time. The Border Police School Barracks in Pretzsch, Saxony, as well as the neighbouring villages of Dueben and Schmiedeberg, became the assembly points for the expeditionary enlisted personnel which was recruited from S.S. and police organisations. The instruction and training lasted only three or four weeks and consisted almost entirely of rifle practice, with lectures and speeches on the necessity for exterminating the "sub-humans" who fell within the scope of the Führer-Order.

Although Eichmann enjoyed sitting at the controls of the whole Jewish extermination machinery, he felt he would like the excitement of the actual killing of Jews and accordingly asked for a field command in the Einsatzgruppen. Himmler and Heydrich, however, knew his directional skill and kept him at the IVB4 nerve centre. In an attempt to dissociate himself from the manifest proof of his willingness to exterminate Jews physically, Eichmann testified at his trial: "I imagined at the time that these Einsatzgruppen would be military units in the Eastern front and therefore I was all fire and flame to get one of these jobs and was very disappointed when my name was not called." But Eichmann never had to "imagine" what was taking place in Nazidom so far as Jews were concerned. He was the supreme expert on Jews. He knew as demonstrated fact that the Einsatzgruppen personnel was made up of police units which had had no battle training and, therefore, could not possibly be used militarily on the Eastern front.

Eichmann admitted that he was present in Berlin, in a cinema building, when the final Einsatzgruppen directives were announced. At his trial he attempted to make his presence at this meeting an unimportant one by stating



that he sat "in one of the back rows". But whether he took in the proceedings from a rear seat or from the stage, his managership was indisputable. He was the one who supplied Heydrich and Streckenbach (Chief of Department I, Personnel, of the R.S.H.A.) who both addressed the officers, with the material and data on the areas in the East most thickly populated by Jews, the local customs, the officials most likely to co-operate, the best methods of approach, and all the other relevant information which he had accumulated over the years in his capacity as "Jewish expert".

On January 20, 1942, ministry heads, department chiefs and other Nazi leaders met in the R.S.H.A. lodgings in Wannsee, a villa colony suburb of Berlin on the beautiful body of water known as Lake Wannsee—part of Lake Havel—to discuss the "final solution". Much has been written about the so-called "Wannsee Conference" and the inference has been drawn that it marked the launching of the all-out Jewish extermination programme. This is an error. By January 1942, the Einsatzgruppen crusaders had already for six months been wading knee-deep in blood in the East. The Wannsee Conference *confirmed*, rather than initiated, the Nazi resolution to eliminate Jews from the face of Europe. In preparing the speech which Heydrich delivered at this conference, Eichmann used as part of his material the reports he had been receiving from the blood-wading Einsatzgruppen.

He enumerated thirty-four countries and states which were to be subjected to the "final solution". The number of Jews in these areas totalled eleven million. Opposite the name of Esthonia, Eichmann proudly recorded, as confirmed by his Einsatzgruppen reports, "already cleansed of Jews".

In closing his speech Heydrich said that those Jews

who were able to work would be utilised but "it goes without saying that a large percentage of them will be eliminated by the natural death rate. The survivors, who will inevitably be those with the greatest powers of resistance, will be treated in accordance with the *logic* of the situation." It was agreed at the conference that the best "logician" of the group was Adolf Eichmann, and he was accordingly chosen to co-ordinate and direct the extermination project.

The business session ended, tensions relaxed, and what has been described as a "celebration" ensued. A meal was served and brandy flowed freely. Then, in a spirit of the most congenial camaraderie, everyone joined in a general discussion as to the best method to be employed in killing the eleven million Jews. Eichmann, in recalling the details of the historic gathering, said that the methods most favoured were shooting and gassing.

Finally, as the sun, like a sphere of blood, fell into the waters of the lake, there were handshakes all around, groggy clicking of heels, Heil Hitler!—and the Wannsee Conference adjourned.

Three, however, remained behind—Heydrich, Mueller and Eichmann. They drew up easy chairs before the fireplace and congratulated each other on the success of the conference, especially the ease with which they had overcome anticipated difficulties. Heydrich, tall, young, slender and "steel-faced", who rarely touched nicotine, blew contented smoke clouds from a clutched cigar. Mueller, broad-shouldered, heavy-faced and laconic, grunted satisfaction as he piled logs on the fire in which he saw the ashes of the people they had just doomed. Eichmann, proud of his tipping ability, held tightly to the cognac bottle and lifted glass after glass in toasting Hitler, Himmler, Heydrich, Mueller, and then, with a nervous cry, he drank

to the "brave and gallant Einsatzgruppen, upholding the purity of the Aryan race!"

Returning now to June 1941, we find the Saxony Einsatz camp in a fever of preparation, so that there would be no lagging behind the fury of the Russian invasion about to explode. On June 22, 1941, Hitler's tanks blasted across the Muscovite' frontiers, crunching out the alliance between Germany and Russia. As the free world forebodingly shrank from the radio announcing the collapse of the Soviet forces before Brauchitsch's iron thrust, clouds of dust rose from the roads leading out of Pretzsch, Dueben and Schmiedeberg. The Einsatz legions were on their way, fully equipped with rifles, pistols, sub-machine guns, riflemen, mechanics, interpreters, cooks . . . and gravediggers. Each vehicle carried the sign of the swastika, the symbol of the iron octopus, its tentacles reaching out to grapple and mangle whatever got between its savage jaws.

The Einsatz warriors needed no cavalry, cannon, or acroplanes. There was no reconnoitring to be done, no surprise attack to fear, no enemy to combat. For them, the only resistance was that of distance; and this was minimal since their cars, trucks and trailers were the very latest models in vehicular invention, and their drivers carried the newest road maps. But even if they should not reach any particular geographical objective at which they aimed, nothing could be lost. There were always people to be found, and among the inhabitants in the vast reaches of land extending from the Oder to the Volga, and from the Baltic to the Black Sea, there were bound to be Jews, gypsies, lunatics, Asiatic inferiors, political commissars, Communist functionaries, and asocials—all helpless game for the resolute Einstatzgruppen.

The victories of the German armies turned out to be

short-lived, but those of the Einsatzgruppen were permanent; they did not fly their flags over captured forts, capitals, and government buildings, but planted them in mounds of earth, over the silent multitudes who would never again populate the lands which the armies had to leave behind.

## Chapter Four

THE COURTROOM in Nuremberg is slightly larger than the one in Jerusalem. The dock is certainly much larger since it contains not one but twenty-three defendants, among them possibly the man who ordered the massacre of Zagrowski, related in the historic Beit Ha'am. This courtroom is also to be in the history books, for here were tried Hermann Goering, Rudolf Hess, Joachim von Ribbentrop, Wilhelm Keitel, Erich Raeder and the others of that evil crew which carried civilisation to the very edge of ultimate catastrophe. . . .

This courtroom does not contain a bullet-proof dock, but glass does enclose the interpreters who, like those in the Beit Ha'am, are specially trained to integrate their translations, so that the auditor may learn, contemporaneously with the witness's, lawyer's, and judge's utterance, just what is being said.

Behind the dock, which with its two wooden benches looks like an elongated Anglo-Saxon jury-box, stand six American soldiers in neat olive-drab uniforms and dark cork helmets. The twenty-three defence lawyers, all in black robes, the European attorney's court dress, sit in front of the dock at tables piled high with documents and law books. They are very attentive and extremely deferential to the tribunal, which, like the one in Jerusalem, is

made up of three judges. On my left sits Judge John J. Speight of Alabama, on my right, Judge Richard D. Dixon of North Carolina.

On the right of the defence lawyers one sees the prosecution attorneys at tables of their own. To the rear of the prosecution tables extend seats for the press and spectators. A balcony accommodates a further visitors' gallery.

Three large bronze plaques ornament the walls: one represents human frailty in the form of Eve offering the apple to Adam; another, a winged hour-glass, portrays the fleeting nature of time; the third proclaims the Ten Commandments. The doors are framed in heavy, dark-green marble. A white, silky light falls from long fluorescent tubes which suggest open skylights. Sage-green curtains hang over the windows.

With white-washed upper walls, dark brown panelling and wine coloured chairs, the courtroom projects dignity and inspires confidence that the work to be done here will be worthy of the sacrifices made on the battlefield for the enthronement of law—law which will not only vindicate those who made the sacrifices but assure the defendants every right which a well-organised society and civilisation affords those who stand accused of violating the standards of that civilisation.

What kind of men are the Einsatzgruppen defendants? Are they devoid of an awareness of responsibility? Indicted for the murder of one million human beings, they must indeed be coarse, untutored barbarians. However, with an exception here and there, one beholds instead a group of men with evident cultural background. From left to right we see:

First Row:

S.S.-Major-General Otto Ohlendorf, Chief of Einsatzgruppe  
D. Graduated in law and political science from the Universi-

ties of Leipzig and Göttingen. A one-time practising barrister in the courts of Alfeld-Leine and Hildesheim.

S.S.-Brigadier-General Heinz Jost, Chief of Einsatzgruppe A. Specialised in law and economics when he studied at the Universities of Giessen and Munich.

S.S.-Brigadier-General Erich Naumann, Chief of Einsatzgruppe B. Left school at age of sixteen and entered commercial firm. Later became officer of police.

S.S.-Brigadier-General Otto Rasch. Doctor of Law and Economics, former mayor of Wittenberg.

S.S.-Brigadier-General Erwin Schulz. Studied law at University of Berlin; later became staff member of Dresden Bank.

S.S.-Brigadier-General Franz Six. Full time university professor.

S.S.-Colonel Paul Blobel. Former architect.

S.S.-Colonel Walter Blume. Graduated in law at University of Erlangen.

S.S.-Colonel Martin Sandberger. Studied jurisprudence at Universities of Munich, Freiburg, Cologne and Tübingen. Assistant judge in Inner Administration of Württemberg.

S.S.-Colonel Willy Seibert. Graduated from University of Göttingen in 1932 in economics.

S.S.-Colonel Eugen Steimle. Studied history, Germanic languages and French at the Universities of Tübingen and Berlin.

Second Row:

S.S.-Colonel Ernst Biberstein. Former clergyman.

S.S.-Colonel Werner Braune. Graduated in law from University of Jena and became Doctor of Juridical Science.

S.S.-Lieutenant-Colonel Walter Haensch. Studied law at Leipzig University and trained as "Referendar".

S.S.-Lieutenant-Colonel Gustav Nosske. Studied banking, economics and law. Became assessor and "entered Administration of Justice" at Halle.

S.S.-Lieutenant-Colonel Adolf Ott. Began career in administrative office of German Workers' front in Lindau.

S.S.-Lieutenant-Colonel Eduard Strauch. Graduate Erlangen University. Member Intelligence service, press officer, disciplinary officer general S.S.

S.S.-Major Woldemar Klingelhofer. Voice teacher and opera singer.

S.S.-Major Lothar Fendler, Doctor in dentistry.

S.S.-Major Waldemar von Radetzky. Linguist. Worked with import firm.

S.S.-Captain Felix Ruchl. Commercial Clerk. Lived in England for one year.

S.S.-First-Lieutenant Heinz Hermann Schubert. High School education; apprentice to lawyer and "registrator". In civil administrative service.

S.S.-Master-Sergeant Mathias Graf. Independent business man and civil servant.

Brigadier-General Telford Taylor, United States Chief of Counsel for War Crimes (succeeding Supreme Court Justice Robert H. Jackson), describes the defendants in the following language, as he addresses the Tribunal:

"These defendants are not German peasants or artisans drafted into the Wehrmacht. They are not uneducated juveniles. They are lawyers, teachers, artists, and a former clergyman. They are, in short, men of education, who were in full possession of their faculties and who fully understood the grave and sinister significance of the programme they embarked upon. They were part of the hard core of the S.S. They did not give mere lip service to Himmler's atrocious racial doctrines; they were chosen for this terrible assignment because they were thought to be men of sufficient ruthlessness to carry them out. They are hand-picked fanatics; every one of them was an officer of the S.S. . . . They are not unhappy victims, unwillingly pushed into crime by the tyranny of the Third



Reich; these men, above all others, themselves, spread the Nazi doctrine with fire and sword."

As one studies the defendants, a common facial characteristic emerges—an undeviating expression of resolution, a firmness of purpose which once carried them through thousands of miles of territory on as relentless an expedition as ever spurred human endeavour, and which now is devoted to as serious a project as could ever engage a human being: that of saving his neck. With the cloud of murder charges, there hangs over every defendant an invisible noose and, at the same time, an invisible white cloak of exoneration. Which of these is to drop depends to a great extent on what the defendant will say and what will be said by his lawyer.

The active chief prosecution counsel is young Benjamin Ferencz, graduate of the Harvard Law School, thoroughly at home in the German language and veteran of an American combat outfit which saw active service in Germany. General Taylor assigned this young man to the task of analysing the captured Einsatzgruppen documents, drafting the indictment, locating the accused men in the various prisoner-of-war compounds, selecting assistant trial lawyers, and taking an active part in the trial work, generally supervising the entire prosecution.

His mammoth preliminary labours having been accomplished, Mr Ferencz now addresses the Tribunal: "May it please your Honours. Vengeance is not our goal, nor do we seek merely a just retribution. We ask this Court to affirm by international penal action man's right to live in peace and dignity regardless of his race or creed. The case we present is a plea of humanity to law."

Then, after a pause and a glance which takes in the whole courtroom, and particularly the twenty-three Einsatzgruppen officers, he continues:

"Each of the defendants in the dock held a position of responsibility or command in an extermination unit. Each assumed the right to decide the fate of men, and death was the intended result of his power and contempt. Their own reports will show that the slaughter committed by these defendants was dictated, not by military necessity, but by that supreme perversion of thought, the Nazi theory of the master race. We shall show that these deeds of men in uniform were the methodical execution of long-range plans to destroy ethnic, national, political, and religious groups which stood condemned in the Nazi mind."

Mr Ferencz speaks for about forty-five minutes and then calls on Assistant Prosecution Counsel Peter W. Walton to continue with the opening presentation. Walton, some forty years of age, with grey touching his temples and with a slight drawl which confirms the biographical note that he was born in Georgia, carries forward the harrowing chronicle. He explains that the Einsatzgruppen organisation was made up of four groups, each group consisting of from five hundred to eight hundred men.

"These small forces totalling not more than three thousand men killed at least one million human beings in approximately two years' time. These figures enable us to make estimates which help considerably in understanding this case. They show that the four Einsatzgruppen averaged some 1,350 murders per day during a two-year period; 1,350 human beings slaughtered on the average day, seven days a week for more than one hundred weeks. . . . All these thousands of men, women, and children killed had first to be selected, brought together, held in restraint, and transported to a place of death. They had to be counted, stripped of possessions, shot, and buried. And burial did not end the job, for all the pitiful possessions taken from the dead had to be salvaged, crated, and

shipped to the Reich. Finally, books were kept to cover these transactions. Details of all these things had to be recorded and reported."

Ferencz has divided the prosecution trial work among four lawyers. He himself undertakes the responsibility of presenting the evidence against the defendants who belonged to Einsatzgruppe B, and Walton is to handle Einsatzgruppe D. John E. Glancey will prosecute the members of Einsatzgruppe A and Arnost Horlik-Hochwald Einsatzgruppe C. These four men differ greatly in outer appearance. Benjamin Ferencz is but four feet four inches high and when he stands at the podium his chin barely clears the lectern. Only twenty-seven years of age, his slight figure and round cherubic face make him seem even younger. Then John E. Glancey is as different in appearance from Arnost Horlik-Hochwald as their respective birthplaces are geographically distant from each other. Glancey, born and reared in Washington, D.C., tall and broad-shouldered, looks like a football player. Horlik-Hochwald, born in Czechoslovakia, can be visualised only in an intellectual setting. Of medium height with a shock of grey hair and wearing glasses, he is soft-spoken and extremely polite. He served in his home country's army during the war and then, as a member of the Czechoslovakian delegation to the United Nations War Crimes Commission, came to Nuremberg. Here General Taylor and Mr Ferencz obtained his services as a trial lawyer and assigned him to the Einsatzgruppen case.

James E. Heath of North Carolina, tall and handsome, with all the charm of a Southern gentleman, is listed as a consultant in the case, and is especially assigned to cross-examine Ohlendorf, the Number One defendant.

## Chapter Five

THE STORY of the Einsatzgruppen, which is one to pale the most lurid of fiction, was not pieced together from memory years after their deeds had crimsoned the cities and countrysides of Europe through which they had passed in whirlwind devastation. The story was written as the events occurred, and the pens were wielded by the very doers of those events.

At the end of each day the sub-Kommando leaders informed their Kommando leaders what executions their units had accomplished that day, and the Kommando leaders would report to the Einsatzgruppen heads the number of persons whom their larger units had killed, together with the information which they had received from the sub-divisions. Then the Einsatzgruppen chiefs would transmit the grand totals of deaths, with accompanying explanatory comment, by telegraphy or courier to Department IVB4 of the R.S.H.A. Here, duplicates would be prepared and distributed to Hitler, Himmler, Heydrich, Goebbels, Goering and the other planners of the race purification which was to assure the Nazi state a life of one thousand years, as prophesied by the Führer.

With the surrender of the Nazi armies together with all buildings, depositories and archives, these reports emerged

for the world to see. Eichmann testified that, as a Gestapo official, he had been ordered to burn all incriminating documents, but even with his capacity to destroy and exterminate, he could not obliterate Teutonic tenacity. The almost obsessing slavishness with which the Nazis recorded every deed, utterance and exploit which could contribute to self-glory, perpetuated these activities; and thus Benjamin Ferencz had no difficulty in assembling a full set of the reports which he, with his assistants Walton, Glancey and Horlik-Hochwald, presented to us in Court.

The reports speak only of death and they treat this direful subject with such callousness, cynicism and contempt that, were it not for the irrefutable proof of their authenticity, one might easily be persuaded that they must have been the product of the brain of an insane novelist.

Thus, a Kommando leader in Einsatzgruppe B, on location in Byelorussia, could almost have been speaking of shooting rabbits or squirrels when he reported that on December 19, 1941, one of his sub-units saw, on a road out of Mogilev, "135 persons mostly Jews", of this number, 127 "were shot". The executioner does not assert that the Jews had attacked the Einsatz unit, or that they were enemies or criminals, or had demonstrated a hostile or even unfriendly attitude. They were simply on the road, some on their way home to their families, some proceeding to their places of employment, all of them minding their own affairs. But they were Jews . . . and they were shot.

The same report announced with equal impassivity that a transient camp in the town "was searched for Jews and officials. 126 were found and shot". Then at a point near Bobruisk, a lumber centre and clothing-manufacturing town, "a special action was executed, during which 1,013 Jews and Jewesses were shot". Not far away at Rudnja "835 Jews of both sexes were shot".

Members of Sonderkommando 4A, operating along the high banks of the Desna River in the Ukraine, like nimrods seeking wild ducks, reported from Chernigov that on October 23, 1941, 116 Jews were shot; and that on the following day 144 Jews were shot. A branch of this Kommando notified its parent unit that in Poltava, the site of the famous battle between the Swedes and the Russians in 1709, "altogether 1,538 Jews were shot".

Einsatzkommando 6, which stacked arms in the central Ukrainian city of Dnepropetrovsk, at the mouth of the Samara River, reported on October 13, 1941, that of the remaining thirty thousand Jews in the city "approximately ten thousand were shot".

From the seaport of Riga, capital of Latvia, Einsatzkommando 2, reporting as of November 30, 1941, sent tidings to Eichmann that "10,600 Jews were shot".

From Minsk, capital city of Byelorussia, industrial and cultural centre with excellent medical and teachers' colleges, the Einsatzkommando doing duty there reported in March 1942, that "in the course of the greater action against Jew , 3,412 Jews were shot".

Einsatzgruppe D, reporting from a point near Simferopol, capital of Crimea, announced that "during the period covered by the report 2,010 people were shot".

An Einsatz unit tarrying for several days in the iron mining town of Rakhov, Ukraine, reported that "1,500 Jews were shot".

In time the authors of the reports apparently tired of the staccato "shot", and thus attempted, within the narrow compass of expression allowed in military communications, to seek for variety in verbiage. One Einsatz commander, reporting from the capital of Latvia, related: "The Higher S.S. and Police leader in Riga, S.S.-Obergruppenführer Jeckeln, has meanwhile embarked on a shooting action

(Erschiesungsaktion) and on Sunday, November 30, 1941, about 4,000 Jews from the Riga ghetto and an evacuation transport from the Reitsch were disposed of." Until, however all readers of the reports should become accustomed to his versatility, this Einsatz writer felt he should define the new term he had used, so he added "killed" in parentheses.

Getting right to the point, a Kommando leader roaming through the peninsula of Crimea reported crisply, "In the Crimea 1,000 Jews and gypsies were executed." An Einsatz leader reporting on an action near a seventeenth-century castle in the village of Lyakhovich, Byelorussia, stated that "930 Jews were executed with the support of a Kommando of the S.S. Division 'Reich'", and then added with a proud flourish that "the village may now be described as 'free of Jews'". An advance Kommando of Sonderkommando 4A, chronicling its activities in Pereyaslav-Khmel'nitsky on the TUBEZH River in the Ukraine, reported as of October 4, 1941, "Altogether, 537 Jews (men, women, and adolescents) were apprehended and liquidated."

Einsatzgruppe B, reporting out of its headquarters in Smolensk, Russia, said of an operation in October, 1941, that "912 Jews were liquidated in Krupka and 822 in Sholopanitsche".

Other Kommando leaders used phrases such as "processed", "special treatment", and "taken care of". Not a few Einsatzgruppen chiefs recorded that certain areas "had been purged of Jews". Finally, there was one term which was gentle and polite, discreet and definitive. It in no way conjured up the heart-piercing picture of abject human creatures being shot and thrown into ditches. This piece of rhetoric proclaimed that in certain areas "the Jewish question was solved". And when that wording was

used one knew finally and completely that the Jews in that particular territory had been removed from the land of the living.

As report after report appeared in Court, each carrying its tragic tale, it seemed they were forming the successive waves of a red sea, its undulations crested with the black foam of misery and despair. From time to time a courtroom visitor would listen incredulously, stare unbelievably, look at the defendants wonderingly, and then, quietly removing his headphones, steal out as if he had blundered into a museum of horrors.

The Einsatz leaders did not take their work lightly. Some of them cherished deep feelings. One report, which was introduced at the trial in the form of a letter, bared the bleeding heart of a Major Jacob of the Field Police, as he contemplated the task of killing Jews. Writing to his commanding general, the major sends birthday greetings, talks about his horses, his girl friend, and then about Jews: "I don't know if you, general, have also seen in Poland such horrible figures of Jews. . . . Now of the 24,000 Jews living here in Kamenets Podolsk we have only a disappearing percentage left. The little Jews (Juedlein) living in the districts (Rayons) also belong to our customers. We surge ahead without pangs of conscience, and then . . . the waves close and the world is at peace."

He now chastises himself and imposes a severe self-discipline for the sake of his country: "I thank you for your reprimand. You are right. We men of the New Germany have to be hard with ourselves. Even if it means a longer separation from our family. Now is the time to clean up with the war criminals, once and for ever, to create for our descendants a more beautiful and eternal Germany. We don't sleep here. Every week 3-4 actions,



one time gypsies, the other time Jews, partisans and other rabble."

In another letter this officer becomes lachrymose and waxes nostalgic for his home and children. "One could weep sometimes. It is not good to be such a friend of children as I was." However, he does not explain what happened to the children who formerly lived in his present quarters. "I have a cosy apartment in a former children's asylum. One bedroom and a living-room with all the accessories."

One report submitted by the commander of Einsatzgruppe A complained that his organisation had been delayed in taking up executions in White Ruthenia because of wearisome circumstances over which he had no control. And then, when these circumstances had been overcome, a further annoyance made its appearance: a heavy frost had set in, thus making "mass executions much more difficult". The commander was further nettled by the fact that the Jews "live widely scattered over the whole country. In view of the enormous distances, the bad condition of the roads, the shortages of vehicles and petrol, and the small forces of Security Police and S.C., it needs the utmost effort in order to carry out shootings". One can almost detect in this report the wistful complaint that the Jews were quite unreasonable in not coming themselves over these long distances to present themselves for shooting.

One Kommando leader, learning that there were still 325 Jews left in the town of Nezhin, Ukraine, forty miles from Chernigov, lamented that he was unable to get to them for "special treatment" since "it was impossible to reach this place on roads which were covered with mud after the rain and thus impassable for motor vehicles". Then there was a report which read: "Until now, it was

very difficult to carry out executions because of weather conditions."

One usually associates the concept of inclement weather with something which spoils outdoor ceremonies, games, Easter attires and parades, as well as impedes travel and building operations. It is grotesque to think of it as affecting massacres which, in themselves, are calamities on so momentous a scale as to be beyond the influence of moisture—liquid or frozen. Still, all the logic resided on the side of Eichmann's executioners. Why should they run the risk of catching cold or even pneumonia? For what? To kill Jews who could be killed tomorrow or a month or two from now, just as well? Thus, the chief of Einsatzgruppe A believed himself quite logical when, in the winter of 1941-42, he sent the message: "The Commander in White Russia is instructed to liquidate the Jewish question as soon as possible, despite the difficult situation. However, a period of about two months is still required—according to the weather."

Occasionally: Eichmann, who was to argue later that he was never an anti-Semite, would help out the Einsatzgruppen when these droughts in executions occurred. He would send on trainloads of Jews from Germany! At his trial he admitted shipping German Jews to Riga and Minsk, being thoroughly aware that the Einsatzgruppen operating in these two areas would shoot them on arrival. Attorney-General Hausner asked him: "So when you proposed sending the Jews from the Reich to the camps for Communists under the command of Nebe and Rausch, you were proposing to send them to the areas where the Einsatzgruppen were murdering them. Is that correct?"

Eichmann replied: "Yes, I must admit, I knew this." He, however, added two qualifications: (1) that he thought that in this area they were shooting only local Jews, and

(2) that, as he said he did everything else, he shipped the Jews to the execution pits "under orders".

But, under the raking fire of Mr Hausner's cross-examination, he admitted that he did not consign the Jews to Riga and Minsk without first finding out from the camp authorities that they were able to "absorb" these Jews.

It was not surprising, in view of Eichmann's ingenuity demonstrated in many ways, that Heydrich boasted of his accomplishments to Goering and other ministers.

Whether it was an attempt to convince themselves that what they were doing was entirely justified, or whether they were engaging in euphemistic irony, one cannot know, but some of the Kommando leaders gave "reasons" for killing Jews. In Marina-Gorka, a little town on a railroad in White Ruthenia, the Jews were assigned to labouring tasks which, according to the Einsatz chief, were done "very reluctantly". In order to expedite the completion of the task, the chief said that 996 Jews and Jewesses were given "special treatment".

One Einsatz commander, strolling through the streets of Mogilev, noted that in the vicinity of a cathedral some Jewish citizens were "extremely restive", and, in addition, were not wearing a prescribed badge. He was quite disturbed about this and called out a detachment of his men and shot twenty-eight of them.

In Minsk, a Kommando leader looking over a crowd of people, concluded that 733 of them were "absolutely inferior elements with a predominant mixture of Asiatic blood", and, therefore, according to Report No. 73, dated September 4, 1941, he had them shot. The report does not say what devices or standards he employed to determine the inferiority of character and the predominance of Asiatic blood.

In Radomyshl, a cotton-milling machine town in the Ukraine on the Teterev River, there was, according to a report submitted by the Einsatzgruppe C chief, only a limited supply of food "for the Jews as well as for the children". Consequently, he said, "there was an ever-increasing danger of epidemics". To put an end to these conditions 1,107 Jewish adults were shot by the Kommando and 561 juveniles by the Ukrainian militia. Thereby, "the Sonderkommando has taken care of a total of 11,328 Jews till September 6, 1941."

In the ghetto of Newel, in the vicinity of Vitebsk, a city once ruled by Lithuania, then by Poland, and now by the Soviet Union, it was found, according to Operational Report No. 92, dated September 23, 1941, that the Jews were afflicted with scabies. The Einsatz commander moved in quickly. "In order to prevent further contagion, 640 Jews were liquidated and the houses burnt down."

The same report proclaimed further that close by, in the town of Janowitschi, a contagious disease, accompanied by fever broke out. It was feared that the disease might spread to the city and the rural population. To prevent this from happening, 1,025 Jews were shot. The report closed proudly with the statement: "This operation was carried out solely by a commander and 12 men."

As the Einsatz commanders became increasingly familiar with the therapeutic capabilities of the rifles in the hands of their men, they turned to the field of preventive medicine. Thus when a Kommando leader in the same city of Vitebsk saw that there was an "imminent danger of epidemics" he called out his men and shot three thousand Jews.

Einsatzgruppe C reported that a Teilkommando of Sonderkommando 4A, passing through Chernigov was asked by the director of the mental asylum in the city

to liquidate 270 incurables. The Teilkommando commander obliged.

Operation Report No. 132, speaking of the activities of Einsatzkommando 5, between October 13 and October 19, 1941, said that in addition to executing twenty-one people guilty of sabotage and looting, and 1,847 Jews, it shot three hundred insane Jews, which achievement, according to the author, "represented a particularly heavy burden for the members of Einsatzkommando 5 who were in charge of this operation".

Report No. 150, dated January 2, 1942, referring to actions in the Western Crimea, stated, as if talking of cleaning out swamps, "Simferopol, Jewpatoria, Alushta, Karasubasar, Keetsch and Feodosia and other districts of the Western Crimea have been cleaned out of Jews."

Perhaps the perigee in heartlessness and cowardice was plumbed by these murder groups when one of the Kommandos brutally killed helpless, wounded prisoners-of-war. Einsatzgruppe C reported in November, 1941: "At Borispol, at the request of the commander of the P-o-W camp, a platoon of Sonderkommando 4A shot 752 Jewish prisoners of war on October 14, 1941, and 357 Jewish prisoners of war on October 10, 1941, among them some commissioners and 78 wounded Jews, handed over by the camp physician."

Not infrequently, a report writer would embellish his written account with a sketch or map. Within the boundaries of the geographical area covered by his unit he would draw a coffin and superimpose over it a numeral representing the number of Jews killed to that date. Outside the casket would appear another figure proclaiming the number yet to be killed.

Occasionally, an Einsatz chief would express rage over the unreasonableness of those he drove before him. One

report told of Jews who, evicted from their homes, were obliged to seek primitive existence in caves and abandoned huts. The rigour of the elements, lack of food and proper clothing inevitably brought on serious illnesses. The Kommando leader communicated, "The danger of epidemics has thus increased considerably, so that, for that reason alone, a thorough clean-up of the respective places became necessary." And then he added, "The insolence of the Jews has not yet diminished even now."

Thus, after evicting, starving and shooting their victims the conquerors still complained that the Jews were not courteous!

The hand that struck the Jew usually managed to empty his pockets before he fell. Every live Jew paid for his heritage with his life, home, land, and money—everything over which he exercised ownership. Every dead Jew gave up not only all this, but also his watch, fountain pen, jewellery, clothing, shoes, gold teeth and fillings. In some instances dental gold was removed prior to the killings.

The prison warden in Minsk reported to the General Commissar for White Ruthenia, on May 31, 1943, that "On April 13, 1943 the former German dentist Ernst Israel Tischauer and his wife, Elisa Sara Tischauer, *née* Rosenthal, were committed to the court prison by the Security Service. . . . Since that time all German and Russian Jews who were turned over to us, had their golden bridgework, crowns and fillings pulled or broken out. This happens always 1 to 2 hours before the respective action. Since April 13, 1943, 516 German and Russian Jews have been finished off. . . . About 50 % of the Jews had gold teeth, bridgework or fillings."

The pain and agony endured by one marked for slaughter between the moment that his teeth had been battered,

his mouth lacerated, and his gums torn, and the moment he was led to his death, knowing full well what was to happen to him, curdles the ink of description.

No possessions were too extensive or too meagre to be overlooked. Nothing was omitted from the gigantic programme: everything from houses, factories and automobiles down to the last pair of baby shoes was stripped from the defenceless and unoffending Jew. Were it not for the accurate and full inventories prepared by the Nazis themselves, and the questioning scrutiny which a court trial affords, no one could believe that so vast a plan of thievery could be devised and carried into fulfilment.

In his final summation to the Israeli court, Dr Servatius, in defending Adolf Eichmann, asked: "What were the real reasons for persecuting the Jews?" And then he said: "This cannot be defined by a jurist. . . . An enormous number of letters from all over the world reached the defence to prove and show how this picture was not clear. They show the picture as an ailment of the whole world. Experts, philosophers, theologians and historians, they must try this problem."

But this problem does not need to be probed in the manner suggested by Dr Servatius. The answer is a comparatively simple one. Anti-Semitism is the product of man's grossest passions: lust for power, mania for self-exaltation through an assumed self-superiority, and greed. The trials at Nuremberg and the one at Jerusalem demonstrated conclusively that the Jew's death enriched his captor, fattened his oppressor, and filled the ensanguined pocket of his assassin. The Nazi leaders and their followers detested, hated, and loathed the Jews, but none the less they carried their watches, wrote with their fountain pens, wore their clothing and masticated with the gold taken from the teeth of those they slew.

It even appeared that occasionally raids were made in order to obtain specific garments. The defendant S.S.-Major Waldemar Klingelhoefler related how he was ordered by his Einsatzgruppe leader "to go from Smolensk to Tatarsk and Mstislavl to get furs for the German troops and to liquidate part of the Jews there". When he was asked whether the men rounded up in this raid were undressed before the execution he replied: "No, the clothing wasn't taken—this was a fur coat procurement operation."

A document originating in Einsatzgruppe D headquarters (February, 1942) spoke of the "confiscation" of watches in the course of executions. Some of the gold and silver timepieces were sent to Berlin, others were handed over to the Wehrmacht (rank and file) and the remainder to members of the Einsatzgruppe itself "for a nominal price" or even gratuitously if the circumstances warranted that kind of liberality. The report also stated that part of the money seized was required for "routine purposes (wages etc.)". Thus the executioners paid themselves with money taken from the persons they had robbed and killed. The Einsatzgruppe recorded, in addition, that it helped ethnic German families living in southern Russia by placing Jewish homes, furniture, children's beds, and other equipment at their disposal.

Einsatzgruppe C, boldly announcing its accomplishments in Korowo (September, 1941), pointed out how it had organised a regular police force to clear the country of Jews as well as for other purposes. The men enlisted for all these purposes, the report went on to say, received "their pay from the municipality from the funds seized from Jews".

This same organisation, reporting on October 7, 1941, assured Department IVB4 that the crowded housing con-



ditions in Kiev had been somewhat ameliorated because "an adequate number of apartments had been evacuated through the liquidation of approximately 35,000 Jews".

The Jewish Councils of Elders, when appointed, were ordered by the Einsatz leaders to supply detailed data on all possessions of the Jews so that the despoilers would not have to lose time in harvesting the fruits of their quests before moving into other orchards. With these lists, the Einsatz chieftains could gather in, as if with a rake, all the Jews' property without having to look for it.

The Nazi overlords thought well of Eichmann not only because of his masterful efficiency on the fields of slaughter, but because of his skilful manipulation of the rake. When Eichmann's immediate superior officer had recommended him for promotion to Obersturmbannführer, he said:

"I am proposing this promotion on the ground of the exceptionally fine services rendered by Eichmann, who has already achieved excellent results in the dejudaisation of Austria, in his capacity as head of the central authority for Jewish emigration. *Through Eichmann's work, enormous properties were secured for the German Reich.*" (Author's italics.)

Occasionally Eichmann would use a property for himself. In Austria he bestowed on one of his mistresses a farm which he had taken from its Jewish owners and even supplied the new proprietress with Jewish prisoners to operate it for her.

## Chapter Six

THE EVIDENCE produced at the trial unfolded a vast blood-framed backdrop for the endless executions. Nearly always an attempt was made to line up the human targets in a deep wood with only trees and incredulous beasts of the forest as witnesses. Sometimes ranges of mountains picked up the echoes of the rifle fire which decimated the population they had sheltered. At other times the killings occurred by the shores of a river, lake or creek reddened by the extravasated blood. Often, the ruins of a burned-out village provided the stage for the cruel drama, inconceivable outside the brain of an insane playwright and a mad producer.

What, indeed, no dramatist would ever invent, the Einsatzgruppen leaders planned and executed, and then perpetuated in "records that defy the tooth of time". Thus one is not called upon to speculate how one million killings were accomplished. One is not compelled to guess as to the *modus operandi*. On this subject, as indeed on all subjects involving the Nazi régime, the baleful plot is well documented. The deeds of the Nazis were dark but their perpetrators never failed to supply torches, by way of permanent documents, oral statements, and frank demonstration, to light up what they wrote in the book of evil.

One of the topics covered by the reports was the care

evinced by the Einsatzgruppen officers for their shooting squads. Several explained that Kommando leaders would allow a pause every few minutes so that the more fastidious of the executioners could light up cigarettes. As the gun-smoke settled, they puffed tranquilly, the scent of the tobacco mingling with the sweet offensiveness of the spilled blood.

Other reports told how some squad men disliked the task of cleaning up the ground when the bodies did not fall directly into the grave. Accordingly, a method was devised to avoid this supplementary exertion. The prisoners were led into the grave while still alive. One S.S. eye-witness explained, "The people were executed by a shot in the neck. The corpses were buried in a large tank ditch. The candidates for execution were already standing or kneeling in the ditch. One group had scarcely been shot before the next came and laid themselves on the corpses there."

Executions were always efficiency-perfect performances, illustrated by Report No. 24, dated July 16, 1941, which succinctly recorded "The arrested Jewish men are shot without ceremony and interred in already prepared graves, the EK 1b having shot 1,150 Jews at Duenburg up to now."

Some of the Kommando leaders, however, perhaps more concerned about the eternal fitness of things, felt that a little ceremony was required. Accordingly they called off the names of the doomed persons before they were loaded on to the truck. This was the whole judicial trial—the indictment, the evidence, and the sentence—a roll call of death.

The usual rule that executions were not to be performed publicly was occasionally neglected. One report described an execution which took place near houses whose occupants became unwilling witnesses to the terrible scene:

"A heavy supply traffic for the soldiers was also going on in the main street, as well as traffic of evacuated civilians. All events could be followed from the window of the battalion's office; the moaning of the people to be shot could be heard, too. The following morning, a lot of clothing was lying about the places concerned, surrounded by inquisitive civilians and soldiers."

One Kommando leader was evidently so proud of his accomplishments that he recorded at least one execution with a motion-picture camera. This film was shown at the Eichmann trial. There were scenes of Jews being hurried on foot to the mass graves at the point of rifles, other scenes of terror-stricken Jews leaping from trucks . . . and then the shooting, shooting, shooting, as the bodies fell into the pit. Layers of earth were thrown over the dead and then others were shot to fall on those who had gone before.

Robert S. Bird of the New York *Herald-Tribune*, reporting the reaction of the trial judges, said: "When the lights were turned on, Judge Yitzhak Raveh was sitting with his hands pressed hard against his eyes trying to restrain his tears. He rose and hastened to his chambers. Presiding Judge Moshe Landau looked grim and stricken, and Judge Benjamin Halevi had a faraway gaze. They got up and filed out silently."

But Eichmann, the cake of ice and block of marble described by Dean Grüber, remained frozen granite as he watched the pictures. Never once did he avert his eyes from the screen, never once did he manifest the slightest emotion. The pictures told him nothing new. Perhaps they may have recalled to him what he had once said to his deputy, Dieter Wisliceny, that when the time came he would leap into his grave laughing because of the feeling that he had five million Jews on his conscience. This he

had said, was for him "a source of extraordinary satisfaction".

The Einsatzgruppen not only carried out their own killings, but where they invaded communities already predisposed against Jews, they whipped up passions which often exploded into massacres known as pogroms.

Hermann Friedrich Graebe, manager and engineer in charge of a German building firm in Sdolbunow, Ukraine, narrated in graphic language how a pogrom operates. When he heard that one of these horrifying performances was being rehearsed in his town he hurried to the commanding officer of the area, S.S. Sturmbannführer Puetz, to make inquiries, since he, Graebe, employed a few Jewish workers he wished to protect. Sturmbannführer Puetz denied the rumours. Later, however, Graebe ascertained from the Area Commissioner's deputy, Stabsleiter Beck, that what he heard was true, but Beck exacted from Graebe the promise not to disclose the secret. In exchange for this promise, he supplied Graebe with a certificate which was to protect his workers when the storm of blood should burst. This amazing document reads:

"Messrs. JUNG  
ROVNO

The Jewish workers employed by your firm are not affected by the pogrom (Aktion). You must transfer them to their new place of work by Wednesday, July 15, 1942, at the latest.

From the Area Commissioner Beck"

That evening the pogrom lashed through the streets of Rovno like a hurricane. Let Graebe tell the story in his own words:

The people living there were driven on to the street just as they were, regardless of whether they were dressed or

in bed. Since the Jews in most cases refused to leave their houses and resisted, the S.S. and militia applied force. They finally succeeded, with strokes of the whip, kicks, and blows with rifle butts in the clearing houses. The people were driven out of their houses in such haste that small children in bed had been left behind in several instances. In the street women cried out for their children and children for their parents. That did not prevent the S.S. from driving the people along the road, at running pace, and hitting them, until they reached a waiting freight train.

Car after car was filled, and the screaming of women and children, and the cracking of whips and rifle shots resounded unceasingly. Since several families or groups had barricaded themselves in especially strong buildings, and the doors could not be forced with crowbars or beams, these houses were now blown open with hand grenades. Since the ghetto was near the railroad tracks in Rovno, the younger people tried to get across the tracks and over a small river to get away from the ghetto area. As this stretch of country was beyond the range of the electric lights it was illuminated by signal rockets.

All through the night these beaten, hounded and wounded people moved along the lighted streets. Women carried their dead children in their arms, children pulled and dragged their dead parents by their arms and legs down the road toward the train. Again and again the cries "Open the door! Open the door!" echoed through the ghetto.

Despite the immunity guaranteed Graebe's Jewish workers by Commissioner Beck, seven of them were seized and taken to the collecting point. Graebe's narrative continues:

I went to the collecting point to save these seven men.

I saw dozens of corpses of all ages and both sexes in the streets I had to walk along. The doors of the houses stood

open, windows were smashed. Pieces of clothing, shoes, stockings, jackets, caps, hats, coats, etc were lying in the street. At the corner of the house lay a baby, less than a year old, with his skull crushed. Blood and brains were splattered over the house wall and covered the area immediately around the child. The child was dressed only in a little shirt.

The commander, S S-Major Puetz was walking up and down a row of about 80-100 male Jews who were crouching on the ground. He had a heavy dog whip in his hand. I walked up to him, showed him the written permit of Stabsleiter Beck and demanded the seven men whom I recognised among those who were crouching on the ground. Dr Puetz was very furious about Beck's concession and nothing could persuade him to release the seven men. He made a motion with his hand encircling the square and said that anyone who was once here would not get away. Although he was very angry with Beck, he ordered me to take the people from 5 Bahnhofstrasse out of Rovno by 8 o'clock at the latest.

When I left Dr Puetz I noticed a Ukrainian farm cart with two horses. Dead people with stiff limbs were lying on the cart, legs and arms projecting over the side boards. The cart was making for the freight train. I took the remaining 74 Jews who had been locked in the house to Sdolbunow.

Five thousand Jews were killed in this pogrom.

Often at Nuremberg a sadness akin to hopeless resignation inundated my soul. How could I accept the concept of a planned and calculated destruction of a race of human beings? It was so completely fantastic and devoid of sense that one wished not to hear any more about it and at times hoped he could turn a deaf ear to what seemed arrant nonsense. Barbarous tribes in the wilds of impenetrable jungles have fallen upon other tribes and destroyed their every member, ancient and medieval despots decreed

the extermination of life in cities and regions; in Wild West days Indian uprisings wiped out caravans and destroyed whole settlements; but that an enlightened people in the twentieth century should set out completely to eradicate another enlightened people, not in battle, not by frenzied mobbing, but by calculated shooting, gassing, and burning, seemed blood-curdling fiction, fit companion for H. G. Wells's chimera of the invasion from Mars.

Were it not that the officially authenticated reports and the testimony of the defendants themselves, plus eye-witnesses, verified the happening of these events, they would have to be dismissed as alcoholic or opium-dreaming invention. Even before the trial, Allied investigators and analysts checked and rechecked the Einsatz documentation. Being human, they sometimes doubted the correctness of the startling murder figures appearing in the reports.

Eichmann's companion of his youth, S.S.-General Stahlecker, heading Einsatzgruppe A, did not live to stand trial for his crimes but he left carefully kept statistics which disclosed that in four months his unit killed 135,000 Jews. General Otto Ohlendorf, who will later be considered at length, had been questioned on the authenticity of this report since the number, in view of the brief period involved, seemed rather high. Ohlendorf studied the document almost indulgently, as if to ask: "Why should people be so incredulous?" and then said: "I have seen the report of Stahlecker (Document L-180) concerning Einsatzgruppe A, in which Stahlecker asserts that his group killed 135,000 Jews and Communists in the first four months of the programme. I know Stahlecker personally, and I am of the opinion that the document is authentic."

How can all this be explained? Even when Germany



was retreating on all fronts, troops which were desperately needed to stem the Allied drive were diverted to support this insane mission of extermination. In defiance of military needs, in spite of economic demands, and against every rule of reason, incalculable manpower was being wildly killed off and irreplaceable property was being destroyed.

Here and there a protest was raised. The S.S.-Commissioner-General for White Ruthenia objected to the executions in his territory—not, to be sure, on the grounds of humanity, but because he believed the unmitigated murder programme struck at Germany's prestige. "Above all, any act lowering the prestige of the German Reich and its organisations in the eyes of the White Ruthenian population should be avoided. . . . I am submitting this report in duplicate so that one copy may be forwarded to the Reich Minister. Peace and order cannot be maintained in White Ruthenia with methods of that sort. To bury seriously wounded people alive who worked their way out of their graves again, is such a base and filthy act that this incident as such should be reported to the Führer and Reichsmarschal."

For a country at war nothing can be more vital than that ammunition reach the soldiers holding the fighting fronts. Yet, in a massacre in Sluzk, vehicles loaded with ammunition for the armed forces were left standing in the streets because the Jewish drivers, already illegally forced into this service, had been liquidated by the Execution Battalions. Although the very life of the nation depended on the continued operation of every type of food-producing establishment, fifteen of the twenty-six specialists at a cannery were shot.

This blood bath of Sluzk brought about some interesting correspondence. The Commissioner-General inquired

of the Reich Minister of the Occupied Eastern Territories if the liquidation of Jews in the East was to take place without regard to the economic interests of the Wehrmacht and specialists in the armament industry. The Reich Minister replied, "Clarification of the Jewish question has most likely been achieved by now through verbal discussions. Economic considerations should fundamentally remain unconsidered in the settlement of the problem."

Occasionally, families were spared because the breadwinners produced articles needed for the German army. The sparing, however, was strictly temporary. Einsatzgruppe C, reporting on conditions in Nowo-Ukrainia, stated that the only good harness-makers and tailors were Jews. Also that in other places "only Jews can be employed for cart, troy and locksmith work". Therefore, "in order not to endanger reconstruction and the repair work also for the benefit of transient troop units, it has become necessary to exclude provisionally especially the older Jewish skilled workers from the executions".

Eichmann, however, opposed this provisional exclusion of Jews from the execution programme because, he said, this offered a chance for the Jews to contrive an escape, and this would delay accomplishment of the "complete destruction of biological Jewry".

Himmler beat the same drum. In September, 1941, Himmler and Eichmann visited General Otto Ohlendorf, commanding Einsatzgruppe D, operating at the time out of Nikolayev in the south Ukrainian lowlands. Ohlendorf had ordered a few days' postponement in the shooting of Jewish farm workers so that they could bring in the harvest for shipment back to Germany, the bulk of whose farmers were in the army. Even though Ohlendorf was a personal friend of Eichmann's, both he and Himmler ap-

braided Ohlendorf, the postponement order was cancelled and the Jewish farmers perished with the unharvested crops in the fields.

A German inspector of armament in the Ukraine, after investigating the Jewish liquidation programme, reported to General of the Infantry Thomas, Chief of the Industrial Armament Department, that it represented absolute folly even from the German point of view. In the Ukraine the Jews constituted almost the entire trade and even a substantial part of the manpower. "The elimination, therefore, necessarily had far-reaching economic consequences and even direct consequences for the armament industry (production for supplying the troops)."

In a fervent appeal to reason this German inspector cried out: "If we shoot the Jews, let the prisoners-of-war perish, condemn considerable parts of the urban population to death by starvation and also lose a part of the farming population by hunger during the next year, the question remains unanswered: Who in all the world is then supposed to produce economic values here?"

No one answered the question of the German inspector. Nor did anyone answer the question of Humanity as to the reason for this deluge of blood. Reason, with its partner Conscience, had been lost long ago in the jungle of Nazi greed and arrogance, and so Madness ruled, Hate marched, the sky reddened with the flames of destruction and the world wept—and still weeps.

## Chapter Seven

WHEN MR FERENCZ stated to the tribunal that he would prove the defendants had killed one million persons, the resulting impresssion in the courtroom was that he was dealing more or less in abstract figures. The evidence was soon to prove otherwise. One report stated casually that in order to get the programme started in a certain ghetto "there would be executions of a minor nature of fifty to one hundred persons".

Another report (No. 55) speaking of operations in the oblast of N Kaliningrad, Russia, said that in Audrini, "on January 2 [1942] at the order of Einsatzgruppe A, the village was completely burnt down after removal of all foodstuffs, etc., and all the villagers shot". Then in the neighbouring town of Rossiten, "301 men were publicly shot in the market square. . . . All these actions were carried out without incident."

I wondered how men could become so hardened to brutality that they could raze a town and destroy the population of two towns, and not regard such destructive fury as even an "incident".

But even with killings of three hundred here and several hundred there, it still seemed impossible that the total number of corpses could stretch out to the ungrasp-

able figure of one million. However, when the reports flooded in describing the massacre of thousands and tens of thousands, one saw, as if looking over a limitless sea of tombstones, that in speaking of one million murders Mr Ferencz had not been engaging in figures of speech but in numerals of cast-iron reality. Einsatzgruppe A, reporting its activities in Latvia up to October 15, 1941, said: "Up to now, 30,000 Jews were executed in all."

Einsatzgruppe B, operating in the direction of Moscow, reported that in the month of October, 1941 "the liquidations of 37,180 people took place".

Einsatzgruppe C, reporting some 51,000 executions from the wheat-growing regions of the Ukraine, announced the reasons behind the killings: "These were the motives for the executions carried out by the Kommandos: Political officials, looters, and saboteurs, active Communists and political representatives, Jews who gained their release from prison camps by false statements, agents and informers of the N.K.W.D., persons who, by false depositions and influencing witnesses, were instrumental in the deportation of ethnic Germans, Jewish sadism and revengefulness, undesirable elements, partisans, politrucks, dangers of plague and epidemics, members of Russian bands, armed insurgents . . . provisioning of Russian bands, rebels and agitators, drifting juveniles . . ." and then came the all inclusive phrase: "Jews in general".

The summary execution of random collections of human beings described as "drifting juveniles" and of groups so vaguely generalised as "undesirable elements" startlingly revealed how indistinct was the limit of the sweep of the Einsatzgruppen's deadly scythe. The reference in the reports to individual categories of Jews, such as "Jews who gained their release from prison camps by false statements", was of course only gruesome window-dressing

because under the heading "Jews in general", all Jews were killed regardless of antecedents.

When Eichmann admitted on the witness-stand in Jerusalem that orders for the hanging of Jews came through his hands, Attorney-General Hausner asked him: "What crimes did these Jews commit that they should be hanged?"

Always ready to dodge responsibility through the loophole of irrelevancy Eichmann replied: "I transferred Himmler's order through channels."

But the loophole was quickly closed by Justice Landau who repeated: "What crime did these Jews commit?"

Eichmann now answered: "I don't remember."

He might well have answered that he did not remember why the victims were *hanged* instead of being shot, but there could never be any doubt as to why they were killed. They were *Jews*!

The writer of Operational Report No. 190, reciting the activities of Ohlendorf's Einsatzgruppe D, stated that, in the second half of March, 1942, a total of 1,501 people were executed and then added in a commonplace manner, "Total number shot up to date, 91,678".

Although the Einsatz executioners (following instructions from Adolf Eichmann) were tight-lipped about their deeds, it was impossible to muffle the echoes of their rifles; and the grapevine telegraph buzzed with horrible stories which would not die down. The leader of Einsatzkommando 5 in Uman, a railroad terminus south of Kiev, complained to Department IVB4 that the army authorities had been lax in allowing soldiers to talk. As a consequence, Jews were forewarned and fled the city. "Reports about actions against Jews gradually filter through from fleeing Jews, Russians, and also from unguarded talk of German soldiers." The escaping Jews, however, were

recaptured and executed with populations in adjoining towns, so that the Kommando could report: "Altogether 75,881 persons have been executed."

Activity and Situation Report No. 9, covering January, 1942, apprised IVB4, that "In White Ruthenia the purge of Jews is in full swing. The number of Jews in the Territory handed over to the Civil authorities up to now amounts to 139,000. 33,210 Jews were shot meanwhile by the Einsatzgruppen of the Security Police and the S.D."

Reporting on August 10, 1942, the Commissioner-General for the area involved specified that "In the city of Minsk, about 10,000 Jews were liquidated on July 28 and 29, 6,500 of whom were Russian Jews—mainly old people, women and children—the remainder consisted of Jews unfit for work."

But the Commissioner-General was not satisfied with conditions in Baranowitschi and Hanzewitschi. He complained that in the former city there were about ten thousand Jews "still living in the town alone", and announced that "radical measures still remain to be taken". He promised that nine thousand would be "liquidated next month". Why he held over the remaining thousand until the following month he did not divulge.

And so, under clear skies and dark skies, in the flowering spring and while autumn leaves were falling, in the bright sunshine and in the deep snow, the Einsatzgruppen continued to reap their red harvest, while the adding machines in Eichmann's headquarters clicked noisily into the night, totalling the figures the Kommando leaders transmitted by wireless, mail, and courier.

Farmers in their rough corduroys and jeans, fishermen with the scent of the sea in their oilskins, mechanics in overalls reeking with grease, shoemakers smelling of wax

and leather, carpenters trailing sawdust, lawyers bereft of brief-cases and papers, doctors torn from hospitals and operating tables, clerks with wilted collars and shiny sleeves, peasant women with shawls about their heads, old ladies and old men leaning on crutches and canes, young girls rosy with health and promise, children laughing, crying, whimpering—all crowded into trucks careening toward that one rendezvous: the anti-tank ditches in the woods.

Like election returns, the figures on executions poured into Department IVB4 and with characteristic Teutonic precision and passion for orderliness the reports were duly mimeographed and tabulated; copies were distributed and originals filed.

But when the ending of the war stilled the mimeograph machines as it silenced the guns on the fighting fronts, Eichmann suddenly realised how precarious was life—his own. He made a swift change from his flashy S.S. garb into a private soldier's uniform, adopted the name of a dead man and scurried into the unknown. While the Central Intelligence Agency beat the bushes of Europe for his hiding place, Allied soldiers came upon his most prized treasure—the documentary evidence of what he had done to the Jews. The reports were covered with the dust of the debris but the printing was as clear as the story they related was grim. In due time the reports appeared in Nuremberg and then in Jerusalem—in circumstances which neither Eichmann nor his Einsatzgruppen leaders had ever expected to face.

Although from a statistical point of view there is not much purpose in further citing the reports, we cannot omit one which was made by Einsatzgruppe A on October 15, 1941. After announcing that 71,105 Jews had been executed in Lithuania, the Einsatz commander appended



an inventory of all persons killed by his organisation, just as a business house might notify its main office of the business done to date. The inventory read:

"Total:	Jews	Communists	Total
Lithuania	80,311	860	81,171
Latvia	30,025	1,843	31,868
Esthonia	474	684	1,158
White Ruthenia	7,620	—	7,620
	<hr/>	<hr/>	<hr/>
	118,430	3,387	121,817

to be added to these figures:

In Lithuania and Latvia Jews annihilated by pogroms	5,500
Jews, Communists and partisans executed in old-Russian area	2,000
Lunatics executed	748
(correct total 130 065)	122,155
Communists and Jews liquidated by State Pol. and Security Service Tilsit during search actions	5,502
	135 567"

Of course, no human brain can grasp the horrible realism of one million deaths, because life, the supreme essence of consciousness and being, does not lend itself to completely realistic evaluation. Life is so far beyond mental comprehension that only its destruction offers an infinitesimal suggestion of its incalculable worth. The loss of any one person can only begin to be measured in the numbing realisation by surviving kin and friends that he is gone for ever. The extermination, therefore, of one million human beings enters into an infinitude of emotion

that exceeds human capacity to absorb. One cannot even approach the remote frontiers of feeling with the cumulative terror of murder one million times repeated.

In order to gain some intellectual appreciation of the enormity of the Einsatzgruppen operation, therefore, one must break down the figure of one million murders into small assimilable units. One must perhaps think of intimate groups like the Yosselevska family falling before Einsatz gunfire, or perhaps relive in all its poignant pathos the killing of a family of eight persons, as it stood out in heart-rending bas-relief in the description by Hermann Friedrich Graebe who told us of the pogrom already mentioned.

On October 5, 1943, Graebe witnessed the Einsatzgruppe massacre at Dubno, Ukraine:

"My comrakes and I went direct to the pits. Nobody bothered us. Now I heard rifle shots in quick succession, from behind one of the earth mounds. The people who had got off the trucks—men, women and children of all ages—had to march upon the orders of an S.S.-man, who carried a riding- or dog-whip.

"They had to put their clothes in fixed places, sorted according to shoes, top clothing and underclothing. I saw a heap of shoes of about 800 to 1,000 pairs, great piles of underlinen and clothing. Without screaming or weeping these people undressed, stood around in family groups, kissed each other, said farewells and waited for a sign from another S.S.-man, who stood near the pit, also with a whip in his hand.

"During the 15 minutes that I stood near the pit I heard no complaint or plea for mercy. I watched a family of about 8 persons, a man and woman, both about 50 with their children of about 1, 8 and 10, and two-grown-up daughters of about 20 to 24. An old woman with snow-white hair was

holding the one-year old child in her arms and singing to it, and tickling it. The child was cooing with delight. The couple were looking on with tears in their eyes. The father was holding the hand of a boy about 10 years old and speaking to him softly; the boy was fighting his tears. The father pointed toward the sky, stroked his head, and seemed to explain something to him. At that moment the S.S. man at the pit shouted something to his comrade.

"I looked into the pit and saw that the bodies were twitching or the heads lying already motionless on top of the bodies that lay before them. Blood was running from their necks. I was surprised that I was not ordered away, but I saw that there were two or three postmen in uniform nearby. The next batch was approaching already."

## Chapter Eight

ON SEPTEMBER 15, 1947, the day of arraignment, one of the most remarkable persons ever to go on trial in any country in any age stepped into the Nuremberg courtroom. Handsome, poised, suave and polite, he carried himself with the bearing of a person endowed with natural dignity and intellect, and, in the course of his testimony, he was to display the narrative talents of a professional raconteur. Forty years of age, slender and with delicate features and neatly combed dark-brown hair, he looked out at the world through penetrating blue-grey eyes. His voice was excellently modulated, his hands were well-shaped and carefully groomed, and he moved gracefully and self-confidently. The only blemish in the perfection of his personality was that he had killed ninety thousand people.

This disclosure, although not entirely incapable of producing some horror among even the most stout-hearted, did not detract from his distinctiveness; if anything, it added to it. Visitors, even before they got seated, craned their necks in the direction of the prisoners' dock, and, although warned by guards against pointing, invariably thrust an index finger in Otto Ohlendorf's direction, asking if he was the ninety-thousand murderer. Women

crowded into the courtroom to marvel at him and some even sought to pass him notes offering encouragement and endearment.

Participants in and viewers of the international war crimes trials generally agreed that, next to Hermann Goering, Otto Ohlendorf stood out as the most compelling personality of all the defendants. With Hjalmar Schacht, the fabulous Nazi minister of finance, he achieved the highest IQ rating among the Nuremberg prisoners. Born in Hanover, a graduate of the Leipzig and Göttingen universities, a lecturer in political science, Ohlendorf early hitched his wagon to the Hitler star, and, by demonstrated ability in the Nazi organisation, won rapid promotion. When the Einsatzgruppen organisation was in the process of formation, he headed Department III of the R.S.H.A. In this capacity he often met with Eichmann and with Schellenberg, Heydrich's deputy, both of whom recommended him to Heydrich. Thus, at the age of thirty-four, with the rank of Major-General in the all-powerful Schutzstaffeln, popularly known as the Elite Guard or S.S., he took over the command of Einsatzgruppe D, which was to cover itself with glory and blood in the Crimea and other distant places in the East.

The electric sensation of absolute authority which accompanies military rank never deserted the young Major-General so that even in the courtroom Ohlendorf wore—as undoubtedly he would carry to his grave—the invisible epaulets before which so much of the world had once bowed and scraped in deference, homage and fear.

Even after the German forces had surrendered, but he was not yet a prisoner, he discussed with Himmler whether he should give himself up. This episode narrated by him in court on October 8, 1947, caused me to ask:

"But when you say that on the ninth of May you were discussing whether you should go over to the Allies, this was like the mouse discussing whether he should go over to the cat. You had already surrendered."

But he did not regard himself as having surrendered since there was still an existing German government at Flensburg. Thus, standing on his dignity as an official of that government and as an officer of the S.S., he asked the Allies to arrest him. He had to ask three times.

'When was that? What date?'

"That was on the twenty-third of May."

"Then they favoured you by arresting you."

And, without a smile, he replied: "Yes, on the twenty-third of May."

As a defendant, Ohlendorf, like Goering, staged a performance which would have stirred theatre audiences on either side of the ocean. No detail of the trial escaped him. He sat intense over every controverted piece of evidence, grimaced when things went badly, smiled when the testimony pleased him, scolded his lawyer when he seemed lacking in aggressiveness, and uttered audible disgust when any of his fellow-defendants fumbled on the witness-stand. To the judges he was noteworthyly deferential. Each morning as he entered the dock he ceremoniously bowed to the bench, and each evening he smiled a benign *auf Wiedersehen* to the court attachés as he departed for his prison cell to sleep on his pallet, unhaunted, without doubt, by dreams of the multitudes he had slain.

He flickered not an eyelash as Prosecutor Peter Walton charged that Ohlendorf's unit "killed at an average rate of 340 per day", but that between November 16 and December 15, 1941, the average was increased to "700 human beings per day for the whole 30-day period".

On the witness-stand Ohlendorf, in justifying these

killings, essayed varying roles of histrionic projection. At times he could have been a Hamlet, wrapped in deep thought and meditation, and at other times he slashed out boldly, a Macbeth staking all on daring and self-assurance of ultimate victory. Rhetorical sparks flew as he crossed and clashed blades with prosecution counsel, to the delight of his admiring co-defendants. Of the twenty-three accused men, Ohlendorf stood out as the Number One defendant, not only because of his end seat in the dock but mainly because of his undisputed intellectual superiority and cool-headedness. Only on one score did his brother defendants fear and distrust him: Ohlendorf was mathematically honest. And if they were to follow his example and admit the statistics on slayings, as Ohlendorf unflinchingly conceded he had put ninety-thousand to eternal rest, how could they expect exoneration?

With flung-back shoulders and the confident voice of the architect who might have superintended the construction of the Egyptian pyramids, Ohlendorf related from the witness-stand, occasionally interrupting his easy flow of language by sipping at a glass of water, how, at the head of Einsatzgruppe D, he followed the Nazi troops through Bessarabia and the Crimean peninsula, carrying out the genocidal orders of his lord and master, Adolf Hitler.

He did not like to do all this, he explained with the air of a conscientious parent who must discipline an unruly child. He said it was his duty. And then, pitching his voice in a self-pitying tone, he observed: "There is nothing worse for people spiritually than to have to shoot defenceless populations."

But his bold bid for commiseration and vindication rebounded from deaf ears so far as cross-examining

Prosecutor James E. Heath was concerned. "There is nothing worse than to be shot either," Heath sardonically shot back, "when you are defenceless."

Ohlendorf, however, was not to be outdone. "I can imagine worse things," he rasped, "for example, to starve." Heath rose from the prosecution table and confronted the defendant. With his headphones he seemed even taller than six feet. Ohlendorf, wearing the same type of gear, became a still more awesome figure in the heated exchange. The translated debate crackled into the headphones of every person in the courtroom, the questions and answers bouncing back and forth with the speed of tennis balls so that the listener became quite oblivious to the fact that the principals were shouting at each other in different languages.

Ohlendorf's victims were mainly Jews but he killed gypsies also. "On what basis did you kill gypsies?" Heath inquired.

"It is the same as for the Jews," Ohlendorf replied.

Since the Nazis had proclaimed the theory of a master race, Heath now put the whole ironic projection of that theory into a one-word question: "Blood?"

Ohlendorf answered, "I think I can add up from my own knowledge of European history that the Jews actually during wars regularly carried on espionage service on both sides."

Heath looked up to me, as if to inquire whether the translating machinery was working properly, because he was asking about gypsies and Ohlendorf continued to talk about Jews. I directed Ohlendorf to the subject of Heath's questioning. With a disparaging gesture of his hand, Ohlendorf answered: "There was no difference between gypsies and Jews. At the time the same order existed for the Jews. I added the explanation that it is



known from European history that the Jews actually during all wars carried out espionage service on both sides."

I reminded the defendant again: "Well, now, what we are trying to do is to find out what you are going to say about the gypsies, but you still insist on going back to the Jews, and Mr Heath is questioning about gypsies. Is it also in European history that gypsies always participated in political strategy and campaigns?"

Ohlendorf was pleased to open up the history books. "The gypsies in particular. I want to draw your recollection to extensive descriptions of the Thirty-Year War by Ricardo, Huck and Schiller——"

Since the Thirty Years' War was fought in 1618-48, I could not help interrupting. "That is going back pretty far in order to justify the killing of gypsies in 1941, isn't it?"

This suggestion that he was giving a three-hundred-year motivation to his death-dealing enterprise did not ruffle the ex-S.S. Major-General. "I added that as an explanation, as such motive might have had a part in this, to get at this decision."

What was the real purpose behind the killing of Jews and gypsies? Ohlendorf was almost annoyed at questions of this character. Why, it was a matter of self-defence, he explained in the tone of one who is wasting time explaining that the earth is round. The Jews posed a continuous danger for the German occupation troops. Moreover, they could some day attack Germany proper, and self-preservation dictated their destruction before they began an aggressive march on Berlin.

Heath was not impressed with this argument. Assume that the Jews in Bessarabia, the Crimea and the Ukraine could one day shoulder guns against the Germans, he said;

assume that their wives could help them—but what about the Jewish children, the gypsy children? Heath thunders his question at Ohlendorf.

Ohlendorf imperturbably replies: "According to orders they were to be killed just like their parents."

Heath walks away from the witness-stand to control his anger at the casualness with which Ohlendorf speaks of killing children. Then, turning swiftly on his heel, he fires again at the defendant: "Will you explain to the Tribunal what conceivable threat to the security of the Wehrmacht [armed forces] a child constituted in your judgment?"

Ohlendorf is amazed that Heath still lingers on the subject. "I believe I cannot add anything to your previous question. I did not have to determine the danger but the order contained that all Jews including the children were considered to constitute a danger for the security of this area."<sup>9</sup>

Heath's voice rises explosively. "Will you agree that there was absolutely no rational basis for killing children except genocide and the killing of races?"

The atmosphere of the courtroom fills with the dread of some anticipated horrible disclosure. One can adjust to the most terrible of scenes, but the purposeful murder of innocent children leaves all mankind unbearably hurt and terrified. Ohlendorf does not disappoint expectation and, as the audience listens in helpless shock, he coldly answers: "I believe that it is very simple to explain if one starts from the fact that this order did not only try to achieve a [temporary] security but also a permanent security because for that reason the children were people who would grow up and surely, being the children of

<sup>9</sup>The defendant Erwin Schulz also stated: "Jewish women and children were, if necessary, to be shot as well, in order to prevent acts of revenge."

parents who had been killed, they would constitute a danger no smaller than that of the parents."

Heath stands still to let the shock spend itself and then launches into another subject. But the tautness of his features clearly reveals that he is still concerned about Ohlendorf's explanation that the children had to be killed because otherwise they would grow up to kill the murderers. It is perfect logic, pure Aristotle, but it is too perfect. There has to be a flaw somewhere, so Heath returns to the bewitchingly macabre subject:

"To come back to the question of murder and the children of the slaughtered in Russia. I think you have not yet answered my question. What conceivable threat to the Wehrmacht was offered by the children of gypsies and Jews, let's say under five years of age?"

Ohlendorf says he has already answered that query, and so for Heath's benefit I sum up Ohlendorf's explanation: "The witness has stated that the reason these children under five, under four, under three, down to conception I imagine, were killed is that they were a possible threat to Germany in the future years. That is his answer and he stands on it."

But Ohlendorf has not been entirely without heart. There was one feature about massacring the children which had grated on his tender sensibilities. Some of his men were married and had children. Ohlendorf had five of his own. As the executioners looked at the helpless tots framed within the sights of their rifles they often thought of their little boys and girls at home and sometimes aimed badly. Then, the Kommando or platoon leader had to go about with revolver or carbine, firing into the screaming and writhing creatures on the ground. This was all quite unmilitary. Then, also, many of the riflemen missed their targets when they had to kill women because they thought

of wives, daughters, sisters and mothers far away.

Ohlendorf communicated with his friend Eichmann about this, and brought the matter to the attention of the Transportation Department (Amt II) which finally provided gas vans for the sentimental assassins. These vehicles resembled family trailers. Painted windows adorned the sides, frescoed curtains seemed to flap in the breeze, the image of a flower-pot on the image of a window-sill added to the charming deception. The attractive-looking autocars rolled up to the groups of waiting mothers and offspring who were told that they were to be taken to their husbands and fathers. Ohlendorf described the procedure: "One could not see from the van what purpose it had, and the people were told that they were being moved, and therefore they entered without hesitation."

Thus, joyfully the women clambered aboard, holding by the hand or in their arms their babies, some laughing, some crying, but everyone excited over the trip which was to take them away from hardship and persecution, to begin life anew in another land by the side and under the protection of their strong menfolk who, they were told, had already gone ahead to prepare the happy way for them.

As soon as the unsuspecting pilgrims entered the vehicle, the doors slammed shut, automatically and hermetically. The driver tramped on the accelerator: monoxide gas streamed into the interior. The women screamed as their children toppled to the floor or succumbed in their arms, but before they could rescue them or breathe encouragement, the deadly vapour had entered their own lungs; and soon the moving van had become a travelling mortuary. By the time the van reached its destination—a long deep ditch outside the town—all the occupants were dead. And

here they joined the husbands and fathers who had already preceded them into the "new land" via the sub-machine guns and rifles of that astonishing organisation known as the Einsatzgruppen.

Ohlendorf was asked how long it would take to kill the occupants of the gas vans. The ex-general lifted his hand to his forehead as if trying to assist the machinery of recollection.<sup>4</sup> It was a detail of which apparently he had never made a mental note. At last he lowered his hand and said, "As far as I remember, about ten minutes."

Sometimes there were more demands for the gas vans than Ohlendorf could supply but he was equal to every emergency. "If there were three requisitions we would send the two cars to the two Kommandos who had the largest number of prospects. But that was done in a very simple, business-like manner."

To the Einsatzgruppen, everything was quite business-like about these ghastly vehicles of death. Communications between the R.S.H.A. and Einsatzgruppen commanders in the field spoke of gas wagons with the casualness of correspondence on coal trucks. Nor, in keeping with the German passion for documentary immortality were records lacking on this awesome subject. In the innumerable filing cabinets of the R.S.H.A. appeared copies of letters, invoices, repair bills, etc., having to do with the gas vans. One letter from the Security Police and Security Service Ostland dated June 15, 1942, asked for the immediate shipment of one five-ton van and twenty gas hoses to take the place of some leaky ones in order that there might be no delay in the treatment of Jews "in a special way".

In a letter, dated May 16, 1942, S.S.-Untersturmführer Becker made a practical recommendation with regard to

the operation of the lethal device. He said that many of the drivers failed to apply the gas properly. "In order to come to an end as fast as possible, the driver presses the accelerator to the fullest extent. By doing that the persons to be executed suffer death from suffocation and not death by dozing off as planned. My directions have now proved that by correct adjustment of the levers death comes faster and the prisoners fall asleep peacefully."

In practice, however, it was found that more than adjustment of levers was necessary. Instruction was needed. Accordingly a school was set up for the murder-van drivers.

The vans themselves were constructed in Berlin and driven under their own power to the fields of action. It would be interesting to speculate on the thoughts of the drivers as they rolled through half of Europe, traversing city and country, climbing mountains and penetrating plains, travelling over a thousand miles with their gaseous guillotines to kill women they had never seen and children they could never know.

While these ghastly vehicles provided an advantage in that they enabled the executioners to kill their victims without having to look them in the eye, they disappointed in another respect. When the execution was accomplished by shooting, the job was quickly finished, since the bodies fell into the already dug graves. But the gas vans presented the job of removing the corpses and burying them. Traces of the gas still remained and the mass of tumbled bodies produced a problem of its own. The executioners complained of headaches. As Becker worded the complaint in an official report, the unloading process inflicted "immense psychological injuries and damage to the health" of the unloaders.

Ohlendorf maintained a physician on his staff to treat

these psychological injuries" and to supervise the health of his men generally. Occasionally the physician was used as an expert to determine if the people in the gas vans were dead before burial, but this precaution was really unnecessary, Ohlendorf said, because he "had a look that the people died without any difficulties".

Ohlendorf informed the Tribunal that throughout his entire Nazi career he was motivated only by the highest of ideals and ethics. This caused Heath to inquire whether he regarded Hitler's order against the Jews and others as justified in the realm of morals. "Was it morally right, or was it morally wrong?"

Ohlendorf replied that it was not for him to pass on Hitler's intentions.

"I do not ask you for a judgment of Hitler's morals; I ask you for an expression of your own moral conception. The question is not whether Hitler was moral; but what, in your moral judgment, was the character of this order: Was it a moral order, or an immoral order?"

Dauntless and as sure of himself as a Prussian field-marshal on parade, Ohlendorf nevertheless perceived that a discussion on moral issues could make him appear something less than the Spartan, valorous executant of military orders which he said it was his duty to obey. Thus he repeated that it was not up to him to evaluate the moral quality of Hitler's actions. Heath insisted that the question be answered and appealed to the Tribunal. I turned to Ohlendorf: "When this order was given to you to go out to kill, you had to appraise it, instinctively. The soldier who goes into battle knows that he must kill, but he understands that it is a question of battle with an equally armed enemy. But you were going out to shoot down defenceless people. Now, didn't the question of the morality of that order enter your mind? Let us suppose that the order had

been—and I don't mean any offence in this question—suppose the order had been that you kill your sister. Would you not have instinctively morally appraised that order as to whether it was right or wrong—morally, not politically or militarily—but as a matter of humanity, conscience, and justice?”

Ohlendorf moved slightly in the witness-chair. His eyes roved about the courtroom; his hand opened and clenched convulsively. He was aware that a man who would kill his own sister made of himself something less than human. On the contrary, if he replied that he would refuse to execute such an order he would contradict his assertion that he had no choice in obeying his superior's command. Accordingly, he answered obliquely, “I am not in a position, your Honour, to isolate this occurrence from the others.”

He sought a parallelism so as not to manifest alarm at the dilemma the question posed. He related how he saw many civilian Germans killed in Allied air raids and then declared: “I am not prepared, or in a position to give today a moral judgment about that order.”

But Heath was not content to leave the subject dangling unresolved in mid-air. He pressed the question as to how Ohlendorf would respond to a direct order involving an obviously difficult assignment. “If you had received an order from Adolf Hitler to kill your own flesh and blood, would you have executed the order, or not?”

Ohlendorf parried the thrust. “I consider the question frivolous.” But the question was far from frivolous for him. He actually had a sister, and two brothers, in addition to his five children.

Heath relentlessly pursued the query. “Then I understand you to say that if one person be involved in a killing order, a moral question arises, but if thousands of human



beings are involved, you can see no moral questions; it is a matter of numbers?"

Ohlendorf's pale features went parchment-white as he retorted angrily: "Mr Prosecutor, I think you are the only one to understand my answer in this way, that it is not a matter of one single person, but from the point of departure events have happened in history which among other things have led to deeds committed in Russia, and such an historical process you want me to analyse in a moral way. I, however, refuse moral evaluation with good reasons as outlined, so far as my own conscience is concerned."

Heath continued and intensified the attack: "Suppose you found your sister in Soviet Russia, and your sister were included in that category of gypsies—not a Jewess but in a gypsy band—and she was brought before you for slaughter because of her presence in the gypsy band, what would have been your action? She is there in the process of history, which you have described."

Ohlendorf fought for time as with flashing eyes he signalled to his attorney to intervene. Dr Aschenauer, tall, dark, and, in his long flowing black robe, looking somewhat like a Shakespearean actor, rose dramatically and, echoing his client's defiance, declaimed: "I object to this question and I ask that it not be admitted. This is no question for cross-examination."

The prosecution insisted on a reply. Ohlendorf with his expressive countenance urged his attorney not to abandon his protest. Aschenauer lifted his berobed arm in challenge, and turned to the bench. "I ask for a ruling of the Tribunal upon my objection."

I conferred with my colleagues and we decided the defendant should be required to answer.

I explained to Ohlendorf that the question was of course

an extraordinary one and would not be tolerated in a trial other than one of this character where the defendant was confronted with the unprecedented charge of having murdered ninety thousand people. In those circumstances the question was relevant because his answer would throw a light on his reaction to the Führer-Order.

Ohlendorf was not convinced he should answer. I explained further that he admitted the Führer-Order called for execution of defenceless people. "You will admit that in normal times such a proposition would be incredible and intolerable, but you claim that the circumstances were not normal, and, therefore, what might be accepted only with terrified judgment ordinarily, was accepted at that time as a normal discharge of duty." In those circumstances I ruled that he should answer and I repeated Heath's question: "Suppose that in the discharge of this duty you had been confronted with the necessity of deciding whether to kill, among hundreds of unknown people, one whom you knew very well."

Ohlendorf reflected only for an instant and then, with a contemptuous glance at Heath, which seemed to say he was sweeping him aside, he announced to the world that under the circumstances described he would indeed shoot his sister: "If this demand would have been made to me under the same prerequisites, that is, within the framework of an order, which is absolutely necessary militarily, then I would have executed that order."

Although Ohlendorf would kill his sister if Hitler ordered him to do so, he explained that he had no different feeling with regard to shooting others. He bore animosity toward no one. "I never hated an opponent or any enemy, and I still do not do so today," he testified, as he lifted his eyes to the newspaper reporters in the press-box as if appealing to world opinion for confirmation of his moral scruples.

He killed Jews and gypsies because of their offences in history, current and past, but he did not hate them. In fact, he even suggested that he felt some antipathy to Hitler's order which required him to kill unarmed civilians. This prompted the question, "Could you not have, after a certain period of time, tried to evade this order by sickness?"

He stiffened in the witness-chair as if to emphasise the invisible epaulets on his shoulders. Was the presiding judge trying to insult him? "I would have betrayed my men if I had left this command," he remarked rather icily. Solicitous about the welfare of his men, he would have had no assurance that, if he left, his successor would have manifested a similar solicitude. And, with a rising voice full of pride and moral justification, he added: "Despite everything, I considered this my duty and I shall consider it today as much more valuable than the cheap applause which I could have won if I had at that time betrayed my men by simulating illness."

Later on, under further examination, Ohlendorf admitted that even before the trial he could foresee that he would be asked why he did not hide behind a pretended incapacitation in order to avoid doing what he said he did not wish to do. Thus, he had prepared his answer. However, astute as he was, his sharp brain did not save him from a far more committal answer when he was not expecting an incriminating question. If he had really been conscientiously disturbed about killing defenceless people, there were other ways for him to avoid the murderous job without simulating illness. His Einsatzgruppe operated in an area within the jurisdiction of the Eleventh German Army, with which he was under orders to co-operate. It appears that the army commander did not have too high a regard for S.S. officers and, as a consequence, difficulties

arose between him and Ohlendorf. Relating the story of those difficulties, Ohlendorf said: "I was called to the Chief of Staff, Colonel Woehler, and he received me by saying that if the collaboration between the army and myself would not improve, he would ask for my dismissal in Berlin."

As he finished this rather extended narrative, I asked him: "Were you so under the command of the army that a recommendation from this officer to Berlin could have worked the dismissal which he threatened?"

His unequivocal answer was: "Immediately, yes."

And here Ohlendorf exploded his whole defence of compulsion. If he had really recoiled before the prospect of ordering execution squads to shoot down innocent people, he could have simply declined to co-operate with the army and he would have been on his way home or to a different assignment. But this lofty-minded chief chose to be humiliated by the army rather than give up his coveted command of Einsatzgruppe D and its spectacular distinction of achieving ninety thousand murders. He was more interested in being held in high regard by his friend and patron, Adolf Eichmann, who occasionally visited him in the field, than he was concerned about the death of innocent human beings.

In addition to justifying infanticide on the basis of preventing future reprisals, Ohlendorf asserted that the Allied nations were not without blame in this respect since many German children had been killed in Allied air raids. To this argument, Heath retorted "Do you attempt to draw a moral comparison between the bomber who drops bombs hoping that it will not kill children and yourself who shot children deliberately? Is that a fair moral comparison?"

Ohlendorf did not flinch from the question. "I cannot imagine that these planes which systematically covered

a city that was a fortified city, square metre for square metre, with incendiaries and explosive bombs and again with phosphorus bombs, and this done from block to block, and then as I have seen it in Dresden likewise the squares where the civilian population had fled to—that these men could possibly hope not to kill . . . civilian population and . . . children.”

Heath conceded the point. “I think there is truth in what you say, though I never saw it.” But he emphasised that Ohlendorf had given only part of the grim picture. “Does it occur to you that when the German Wehrmacht drove into Poland without provocation and when you drove into Norway and when you drove into the Low Countries and when you crushed France and when you destroyed Belgrade, Yugoslavia, Greece—when you put Rumania, Bulgaria under your heel, and then attempted to destroy the Russian State, does it not occur to you that people resisting your tyranny stand on a higher moral level when they resort to the same horrible cruelties which you initiated in order to destroy your tyranny. Answer that please.”

Ohlendorf did not hesitate to answer. “You will understand that I look at the events of the war which you referred to in a different way than you do.” That was the crux of Ohlendorf’s defence: he and the other S.S. men differed in their viewpoint from the rest of mankind. Ohlendorf refused to see that when war planes bomb a city within whose borders are located ammunition plants, factories, railroads and telegraph and wireless stations, the object is to wreck and destroy these facilities for the purpose of crippling the hostile military forces. Of course, in such an operation, it inevitably happens that non-military as well as military persons are killed. This is a grave but unavoidable corollary of battle action. But the civilians are not pin-pointed for extinction. The bomb is aimed at

the railroad yards, and houses along the tracks are hit and many of their occupants killed. This is entirely different, in fact and in law, from an armed force marching up to these same railroad tracks, entering those abutting houses, dragging out the men, women and children of a particular race and shooting them.

Ohlendorf sneered that anyone who used the atom bomb should condemn him for killing helpless citizens. "The fact that individual men killed civilians face to face is looked upon as terrible and is pictured as specially gruesome because the order was clearly given to kill these people. I cannot morally evaluate a deed any better, a deed which makes it possible, by pushing a button, to kill a much larger number of civilians, men, women and children, even to hurt them for generations, than those deeds of individual people who for the same purpose, namely, to achieve the goal of the war, must shoot individual persons. I believe that the time will come to remove these moral differences in executions for the purposes of war. . . ."

There is no doubt that the invention of atomic and hydrogen bombs, as well as guided missiles, has added preoccupation and worry to the human race, but the atom bombs dropped in World War II were still not aimed at ethnic groups. Like any other type of aerial bomb, they were used to overcome military resistance and hasten surrender.

Thus, as grave a military action as is an air bombardment, whether it be by conventional or by atomic methods, the one and only purpose of the bombing is to effect the capitulation of the bombed nation. If the nation surrenders, the bombing ceases and the killing terminates. Moreover, a city may completely escape bombing by declaring itself an open city. But where Einsatzgruppen forces were involved, the situation was entirely different. Even if a

nation in which Jews lived hauled down its flag, the Jews were still killed as individuals. No defendant asserted that a German victory over the Allies would have ended the Jewish liquidation programme.

Throughout the entire Einsatzgruppen trial the defence did not produce one item of evidence to show how the killing of Jews in any way subdued or abated the military strength of the enemy. It was not demonstrated how indiscriminate slaughter of unarmed human beings could shorten, or help in any way to win, the war for Germany. The annihilation of men, women and children branded as "inferior" had no bearing on the military issues at all.

For instance, Ohlendorf justified the killing of Jews in Russia on the basis that "the number of Jews in the general population in Russia, in relation to their number in the higher administration, was very, very small". He emphasised that in Crimea, "up to 90 per cent of the administrative and leading authoritative positions were occupied by Jews". Thus, "for us it was obvious that Jewry in Bolshevik Russia played a disproportionately important role". This was the identical argument advanced in Germany to strip Jews of citizenship and property and inflict a hundred other penalties which were not only illegal but barbaric. But Ohlendorf assuredly had no duty and certainly no right in Russia or elsewhere to equalise, by means of firing squads, the number of official positions between Jews and non-Jews, even if it were to be assumed—of which, of course, he had no precise knowledge—that his statistics were correct.

Many of the defendants said that they were told at Pretzsch and in Berlin that "the Jews" supported Bolshevism, and had to be killed on that account. But it was not proved that every Jew espoused Bolshevism, although, even if that were true, killing him for his political belief

would still be murder. As the Einsatz forces stormed into cities, towns and villages, they carried no lists of Jews they were to slay. They could not even be sure who were Jews. Interpreters accompanied the Kommandos, but it was impossible for them to cope with the many languages and dialects they encountered. Thus, it cannot be doubted, considering the speed with which massacres were organised and accomplished, that countless non-Jews were killed with the Jews. Operational Situation Report U.S.S.R. No. 170, reporting as of February 18, 1942, stated that "the number of persons executed in Simferopol increased to almost 10,000 Jews, *about 300 more than the number of Jews registered.*" (Author's italics.)

If one who was not actually a Jew was listed for extermination as a Jew, what chance did he have to establish his Arvan genealogy? Writing on this subject to the defendant S.S.-Lieutenant Colonel Eduard Strauch, Heydrich said:

Many of the Jews listed in your register are already known for continually trying to deny that they belong to the Jewish race by all possible and impossible reasons. It is, on the whole, in the nature of the matter that half-breeds of the first degree in particular try at every opportunity to deny that they are Jews.

You will agree that in the third year of the war there are matters of more importance for the war effort, and for the Security Police and the Security Service as well, than worrying about the wailing of Jews, making tedious investigations and preventing so many of my co-workers from other and much more important tasks.



## Chapter Nine

GERMAN MILITARY DISCIPLINE has been universally interpreted as the highest expression of undeviating obedience to superior orders. It has been said that a German soldier must obey orders, even though the heavens fall. The statement has become legendary. The Einsatzgruppen trial established how much this legend is based on fact, and much of it is sheer myth. S.S.-Lieutenant-Colonel Willy Seibert, deputy to Ohlendorf, relied on the legend, and his attorney, Dr Gawlik, banked on it. Taking the witness-stand on his behalf, Seibert briskly described the military set-up which absolved him from all responsibility for the killings charged to him. Wearing a blue suit with broad pin stripes and looking like an overdressed, overpaid floor-walker, he expressed great surprise and even a mild indignation, under the examination of his attorney, that he should be required to account for any of the massacres conducted by his command. Then, under the cross-examination of Assistant Prosecutor Walton, he even went so far as to say that he did not know where murder started and where murder ended.

"Colonel, during your studies, particularly your studies for the officer's examination, in your career in the Army

and the S.D., did you ever learn of the recognised rules and customs of war?"

"Of course."

"Have you, in your career, ever heard of the Geneva and Hague Conventions?"

"Yes."

"Did you not know that Germany was a signatory power to both these Conventions?"

"Yes, I knew that."

"Also, wasn't it known to you from your studies that the killing of civilians in occupied areas without trial is considered by international law and the laws of recognised warfare to be murder?"

"I cannot reply to that, Mr Prosecutor, because I simply don't know where murder starts and murder ends."

This answer caused me to wonder whether he actually believed that he was safe under the theory of Superior Orders, or whether he had become so inured to blood-letting that he saw no moral or legal distinction between the killing in battle of an armed foe and the execution of an unresisting, unarmed civilian. Since it was the responsibility of our tribunal to decide upon the facts as well as the law, we thus functioned as jury as well as judges. Under European continental procedure, which was the only system known to the defendants and their lawyers, the presiding judge himself conducts most of the questioning of the accused and witnesses. It therefore devolved upon me to question Seibert, at length if necessary, in order to ascertain from him, to the extent that it was possible, just what was his concept of coercion under superior orders. I asked him: "Do you intend to have the Tribunal understand that you were unable to distinguish between murder and lawful killing?"

He replied that this was a question he could not answer "at the moment".

Suppose, I asked him, he saw a half dozen S.S. men kill a Jewish child in the Crimea, basing their action on an order which had been issued by Hitler. Would he call that murder?

He replied that this would be "killing by order", and therefore, in his opinion, "it is not murder".

Attorney Dr Hans Gawlik stepped in to help his client.

"Witness, do you remember a maxim of a German Kaiser concerning the execution of orders by soldiers?"

"I don't know whether it was William the First or William the Second, but anyhow one Kaiser-Emperor, used the expression: 'If the military situation or the entire situation makes it necessary, a soldier has to execute an order even if he would have to shoot at his own parents.'"

I asked the defendant if he subscribed to that doctrine. Much to the surprise of everyone in the courtroom he said he could not answer the question. The faces of the other defendants in the dock dropped. "Why, you idiot," they seemed to say, "*that* is our whole case."

I suggested to Seibert that he ought to answer the question since his own attorney had introduced the subject. He nervously tugged at a lapel of his coat and began throwing distress signals to Dr Gawlik, but the latter was obviously as disturbed as the defendant, who now found himself in a situation similar to the one which had confronted Ohlendorf when he was asked whether he would shoot his sister. Seibert, however, did not have Ohlendorf's skill, nor did he boast Ohlendorf's verbal audacity. In addition, he fretted that it was his own attorney who had impaled him on the horns of a dilemma which compelled him either to admit he would be inhuman enough to shoot his own parents or abandon the

defence that he had no choice but to obey superior orders.

"Do you agree with it or not? Do you agree with that statement which Dr Gawlik asked you to quote?"

"Your Honour, I cannot answer this in so isolated a manner. If the military situation requires it, or some special situation—it can come to that."

"Then you agree with the William who issued that statement?"

"I don't want to say that. I only understand it to the effect, your Honour, that if regarded by a foreigner—the exaggerated importance of an order is conveyed to him."

"Well, this emperor was a German, wasn't he?"

"Yes."

"William the First, or William the Second?"

"Yes."

"And he made this statement?"

"According to my memory, yes."

"Well, is anyone authorised to assume that he was telling the truth, and that he meant what he said?"

"Your Honour, it cannot have been meant that somebody would have found himself in the situation to shoot his parents at some time in the near future."

"Then the first William or the second did not mean what he said?"

"I cannot say personally what he meant exactly, but in my opinion. . . ."

"Now you tell me what you mean by it. Do you accept it or not?"

"I, myself, regard this declaration merely for expressing to the soldiers what significance an order has to the troops and that obedience and discipline are the main ties of a fighting unit, and if this tie is loosened then the unit is no longer of value."

The other defendants in the dock were looking at one another unhappily and incredulously. What was wrong with Seibert? their eyes seemed to be asking.

I asked Seibert again if he regarded Emperor William's statement as binding.

"I can only understand it so, as I have just said it now, your Honour."

"Well now, you have given us a lot of words but you haven't answered the question. Of your own volition you quoted this statement. The Court didn't quote it, it wasn't in the testimony theretofore. Now if you quote something you will either have to stand by it or repudiate it. The question is very specific. This statement which you have quoted is to the effect that in the German Army it is understood that if the military situation—of whatever nature—calls for it, a soldier must shoot his own parents if he is ordered to do so. Now do you accept that statement or not? You have had enough time to give us an explanation. Now give us the answer. Do you accept this or do you not accept it as a fact? If the statement is meaningless, if it's just a lot of words thrown together without intention of impressing anyone with its veracity, then say so; but if it's intended to be obeyed, then say so."

"In my opinion this declaration was made in order to create an impression."

"But not to be obeyed literally?"

"That depends on the circumstances."

"Well, let us suppose a case where your superior officer tells you that the situation is such that the only way you can get out of it is for you to shoot your parents. Now that's an order. All right, now, are you going to live up to William the First or William the Second, or not?"

"In this situation it would have to be obeyed, your Honour."

"You would shoot your own parents if the situation required it."

"In so far as I would have my psychological reaction, and I do not know whether based on this psychological reaction I carry out the order which has to be obeyed or whether I subject myself to punishment."

"Now you must answer the question. If the military situation is such that the only way you can be saved, according to what your officer tells you, is to shoot your parents, will you shoot them or not?"

"I cannot answer such a question, your Honour, in such a short time. That is such a psychological struggle that I am not in a position to say yes or no."

Gloomily the defendant looked out the window at the diminishing light of the dying afternoon. I asked him, "Would you be ready to answer it tomorrow morning?"

"I don't know, your Honour."

I turned to Dr Gawlik: "We will give him until tomorrow morning to think it over. The Tribunal will be in recess until tomorrow morning at nine-thirty." As the defendants tramped out of the courtroom, and the judges retired to their chambers, the courtroom and corridors burst into a gallery of opinions. Spectators, lawyers, and court officers buzzed with predictions, speculations and guesses as to what Seibert would say on the following morning. Would he be better off by hypothetically slaying his mother and father or by outrightly disgracing his lawyer?

The next morning every seat in the courtroom was taken and the overflow visitors lined the walls two or three deep. In hotel lobbies, restaurants, and wherever people gathered the evening before, the absorbing topic of conversation had been whether Seibert, a professed moral disciple of the Kaiser of old, would be loyal to his Kaiser

of today. One could not tell from Seibert's expression, as he waited in the dock, his eyes ringed red and his features pale and drawn, whether the night's worried deliberation had solved his dilemma. When the marshal called his name, he started, as if from a trance, and then, almost like a somnambulist, slowly advanced to the witness-stand. Allowing him time to gain his bearing, I repeated the question of the previous day: "Now, if in accordance with this declaration by the Chief of State of the German Empire at the time, the military situation made it necessary for you, after receiving an order to that effect from a superior officer, to shoot your own parents, would you do so?"

He blinked his puffy eyes as if to prolong his deliberations and then scanned the courtroom. Not once, however, did he look toward his fellow-defendants who obviously were on tenterhooks of anxious anticipation, more so than the spectators. Then, taking a deep breath, he expelled the words like one who had been hit in the chest: "Mr President, I would not do so."

The audience broke into excited whispering and agitated elbow-prodding. The defendants' dock heaved a collective, heavy grunt of disgust. After rapping with my gavel for order, I proceeded to put another question: "Suppose the order came down for you to shoot the parents of *someone else*, let us say, a Jew and his wife. . . . The only thing that is established is that they are Jews. . . . The children are standing by and they implore you not to shoot their parents. Would you shoot the parents?"

Seibert now looked at only one person, and his look was not a benevolent one. He riveted his eyes on his lawyer, who had thrust him into this impossible situation where he was now defending the Jews against whom he had vowed violent antagonism for life. He clutched at the

edge of the witness-box and gasped, "Your Honour, I would not shoot these parents."

And then, closing the interrogation, I summed up: "And, therefore, as a German officer, you now tell the Tribunal that if an order were submitted to you, coming down the line militarily, to execute two innocent parents only because they were Jews, you would refuse to obey that order."

He replied: "I answered your example affirmatively. I said 'Yes, I could not have obeyed.'"

Thus, what had begun as a demonstration of the servile obedience a German soldier owes to his military superior ended in a declaration by the proclaimer of that doctrine that he would not only ignore the order of the supreme war lord to shoot his own parents, but he would disobey an order to shoot anybody else's parents. He thus concluded, under his own interpretation of German Military Law, that a soldier was not a fettered slave

It is remarkable how many people believe that a soldier is compelled to do everything his superior officer orders. A very simple illustration will show to what absurd extreme such a theory could be carried. Under such a doctrine, a sergeant could order the corporal to shoot the lieutenant, the lieutenant could direct the sergeant to shoot the captain, the captain could command the lieutenant to shoot the colonel, and in each instance the executioner would be blameless.

If a soldier is required, without inquiry, protest, or complaint, to put into effect the most patently unjust order, his superior officer could order him to shoot himself, and the soldier would have to turn his gun on himself, or otherwise be shot for disobeying orders! But if a soldier can protest against an order (and he certainly can) which demands that he take his own life, he can contest an order



which requires him to kill, for instance, an obviously innocent, harmless child.

It is true that a soldier's first duty is to obey, but it is also rudimentary common sense that his obedience is not that of a mechanical man. He is a reasoning agent. The fact that he may not, without incurring substantial unfavourable consequences, refuse to drill, salute, exercise, reconnoitre, or even go into battle, does not mean there is no limit to what can be expected of him. To begin with, the order requiring implicit obedience must be one dealing with a military subject. Thus, an officer may not order a soldier to steal for him, or murder for him. And what a superior officer may not legally demand of his subordinate, the subordinate is not required to perform.

General J. Lawton Collins, Chief of Staff of the United States Army at the time, excellently put the matter when he said: "Discipline in our army cannot be founded upon a mechanical and uninquiring subservience, but instead must have as its keynote a respect for the rights and responsibilities of the individual."

Where a soldier or officer inferior in rank is actually coerced into executing an illegal order he will be safe from prosecution. No court, by way of illustration, would punish a man who, with a loaded pistol at his head, is compelled to pull a lethal lever. Nor, indeed, was any military person prosecuted in Nuremberg for carrying out an order of whose illegal implications he was totally unaware. The trials, where the military was involved, were of officers who had every reason to know that what they were doing violated laws of war and humanity. No private in the ranks of the Einsatzgruppen stood trial in the Palace of Justice at Nuremberg.

The I.M.T., addressing itself to this subject, well said: "The true test, which is found in varying degree in the

criminal law of most nations, is not the existence of the [superior] order, but whether moral choice was in fact possible."

Rebecca West, with acidulous wit, approved. "It is obvious that if an admiral were ordered by a demented First Sea Lord to serve broiled babies in the officers' mess he ought to disobey."

When I was on the witness-stand in Beit Ha'am, I testified to several instances where men belonging to the Einsatzgruppen got themselves disengaged from the expedition because they found they could not go on killing civilians in cold blood: "Those who were incapable of performing these executions would be released and sent home, because they were in the way of others who were perfectly ready, willing and able to carry out Hitler's orders for the extermination of the Jews." I produced documents in substantiation of this statement.

I also testified to several conversations I had, after the Einsatzgruppen trial, with General Walter Schellenberg who had been deputy to General Mueller and had had frequent dealings with Eichmann in connection with the Einsatzgruppen. On one occasion Schellenberg told me: "The Nazi leaders couldn't be accused of great human sympathy, but they were men of efficiency, and if a man couldn't go along with this type of an order, then he should be sent back home. And many were sent back home."

Since Eichmann defended his action of knowingly shipping millions of Jews to their death on the basis of superior orders, he decided to deny that he had ever shown any initiative even in minor matters because, once he conceded independence of action, no matter in what insignificant connection, he would lay himself open (so he undoubtedly reasoned to himself) to the charge that he

had exercised the same freedom of action in major operations. But this kind of a defence fell easily before the shattering cross-examination of Attorney-General Hausner. Mr Hausner asked Eichmann why he subjected inmates of concentration camps to petty hardships in the face of the fact that they were soon to die. Eichmann denied that he was responsible for hardships.

"But when you were asked to allow packages and money to be sent to them, you personally refused?"

"I was obeying orders. I could not allow this; it was forbidden."

"What business was it of yours, a railway clerk, to deal with requests that money and packages be sent?" [Eichmann had been insisting that he was only a clerk routing the trains to the concentration camps.]

"Every central authority receives a stream of letters. Those dealing with Jews were sent to me and I went to my superior for instructions."

"Do you mean to tell me that you asked Mueller to take a decision on such a minor thing as sending a package?"

"Yes, he had to establish a precedent."

It was unquestioned that in the entire Nazi hierarchy Eichmann was accepted as an expert (a "referent") in all Jewish matters, so Mr Hausner said to him: "I suppose that when you went to Mueller, he sometimes asked your advice—for, after all, you were a referent."

Eichmann looked around for the escape hatch: "I've already said that I came to Berlin against my will. And when I came, in my first dealings with a central authority I was very careful."

The escape hatch fell with a thud as Justice Landau announced: "You were asked: Didn't Mueller ever ask your opinion?"

"I would tell Mueller the contents of letters, and I would ask for orders. I did not propose anything."

Mr Hausner: "And in all your talks with Mueller you never made any suggestions?"

"I never made any suggestions after the Madagascar Plan, not even during the interim period following it."

"So you could have been replaced by a dictaphone. Mueller could have dictated a reply and afterwards it would be typed up. Do you want us to believe this?"

"It wasn't exactly like this. I would summarise the contents of a file, tell him briefly, and he would indicate the outlines of a reply."

Justice Landau: "And Mueller never asked the opinion of a man who dealt with these matters every day?"

"Mueller knew me and that I did not take any decisions, or make any suggestions."\*

It developed, however, by other testimony, that Mueller was so happy with Eichmann's aggressiveness in pushing the extermination programme that he declared if Germany had had fifty Eichmanns, she would not have lost the war!

Eichmann admitted that the International Military Tribunal in Nuremberg was justified in sentencing to death high officials like Goering, Kaltenbrunner, Ribbentrop, Frank and the others because, he said, they initiated orders. By this admission Eichmann practically scuttled the force of his argument on "superior orders", because, if this defence was a valid one, then even Goering and his Nuremberg co-defendants should not have been hanged since they received the killing orders originally from Hitler.

\*This testimony and other taken from the Eichmann trial are occasionally slightly abbreviated for space purposes, but, as reported by the *Jerusalem Post*, they adhere faithfully to the intent and scope of the examination.

Eichmann's situation, with regard to answerability for crimes, was no different from that of Goering, Kaltenbrunner, Ribbentrop and Frank. Professor Franz Six, who had been both Eichmann's superior and colleague in the R.S.H.A., testified that "Eichmann's department occupied a special position, and it might be said that Eichmann was not subordinate to Mueller, but that his position was somewhat close to Mueller's" [the Gestapo chief].

With evidence of this character in the record, it was inevitable that Eichmann would get into serious trouble in the cross-examination on the subject. When Attorney-General Hausner asked him if the heads of R.S.H.A. had to carry out Hitler's orders, Eichmann replied in the affirmative.

"And you justified the verdict of the Nuremberg Tribunal against Kaltenbrunner despite the fact that in accordance with what you have just said he also only received orders."

"No, he gave orders. in his capacity as a commanding general."

"But I am asking about Kaltenbrunner's role in the extermination of the Jews. Did he then *receive* orders?"

"No, in this, too, he gave orders."

"But you cannot contradict yourself within a period of five minutes."

Whether it was the right answer or not, Eichmann hardly ever was at a loss for a reply. He said that Kaltenbrunner and the others played "first fiddle".

But here he stepped into further trouble because the President of the Court, Justice Landau, observed: "I must say that I am surprised to hear this. National Socialist Germany was organised on the principle of hierarchy. That means that everyone below Hitler received orders."

Eichmann replied that "these holders of high office had special powers".

Justice Landau: "Do you mean to say that within the frame of their orders they had wide personal powers of discretion?"

Eichmann replied that they did have such powers of discretion, and, by doing so, effectually confirmed the prosecution's thesis that he himself, heading a department, had the same powers of discretion as other department heads and was therefore amenable to the law as had been Goering, Kaltenbrunner, Frank and the others, whose conviction in Nuremberg he approved, and who in due time were sentenced to hang.

Although, on the witness-stand, Eichmann constantly denied that he had ever exercised any original authority, he was not so modest about the power he wielded when he talked with a Dutch journalist, Wilhelm Sassen, in Argentina in 1957. To him he related that when Mueller was absent and Schellenberg took his place, Eichmann used his own power of decision and then had Mueller approve the decision when he returned.

Eichmann also said to Sassen: "I am a man who thinks, and I cannot do my work blindly, for if I do, I work without a will. But there are times when I recognised the need, and then I worked with a will and with a vision. So it was with the Jews. . . .

And then there was Dean Grüber who testified that Eichmann, in talking with him, always used the first person "I". In speaking of what was to be done, he would say: "I will", "I shall order", etc.

## Chapter Ten

EICHMANN MAINTAINED that, although he knew that the millions whom he loaded into box- and cattle-cars were headed for death in the gas chambers and extermination ovens, he was not aware at the time that such an operation was illegal. If he did not know this, and if he also did not know that it was murder to direct the Einsatzgruppen squads to kill with gunfire unarmed men, women and children standing helplessly at the edge of deep ditches, then he had to be either an idiot or a weak-minded simpleton. But his nimble-minded performance on the witness-stand, the records he himself made of how he carried on his affairs, the letters he wrote, and the documents he prepared, all revealed him to be not an imbecile or moron, but a person possessed of a high-grade intelligence.

Was it possible for any S.S. man, with the mentality above that of a twelve-year-old, not to have realised that the Nazi policy on Jews ran counter to established law and moral standards of civilisation? One of the earliest slogans of the Nazi Party was "Death to the Jewish Dogs". The brown-shirted storm troopers as they paraded the streets of Germany always sang the Horst Wessel Hymn, shouting the lines: "When Jewish blood spurts from the knife, things will be twice as good."

It could not but have been obvious to those who joined the Nazi Party in the early days, as did Eichmann and all the Einsatzgruppen defendants, that the Party was heading for an ocean of blood. Those who rode the S S. craft in inland waters could have disembarked before the sea was reached, but they had no desire to disembark because this would have deprived them of a voyage they eagerly anticipated.

From February 1920, when the National Socialist Party announced its twenty-five-point programme, with hostility to Jews as one of its principal planks, violent anti-Semitism was always on the active agenda. *Mein Kampf*, *Der Stuermer* and all other Nazi publications urged action against the Jews. The mounting intensity of German anti-Semitism exploded in November 1938, in a widespread attack on every thing Jewish. Synagogues were destroyed, prominent Jews were arrested and imprisoned, and a collective fine of one thousand million marks was imposed.

Did Eichmann and the Einsatzgruppen defendants not know of these things? Could they express surprise when the campaign of violence finally culminated in the Führer edict of "final solution of the Jewish problem", which, of course, meant physical extermination of the Jews?

Suppose that the Führer-Order, instead of decreeing the slaughter of Jews, had called for the killing of all grey-eyed people. So long as the iris responded to those light rays in the spectrum which make up grey, the possessor of such eyes was destined for evil days. Character, occupation and health would not influence; religion, politics or nationality would not alter; intention, resolution and desire could not change the predetermined doom. The farmer at his plough, the teacher at her desk, the doctor at the bedside, the preacher in his pulpit, the old woman



at her knitting, the children playing in the yard, the infant at its mother's breast—all would be condemned to death if they studied the wondering world through tell-tale grey eyes.

Let us look in on a family whose members, because of that unfathomable selection of life's chemicals and inscrutable mixing in the mystic alembic of time, all have grey eyes. Suddenly comes a thunderous knocking and the door bursts open. Steel-helmeted troopers storm in and with automatic rifles and drawn pistols order the dismayed occupants into the street.

We hear the screams of the terrorised women and children, the loud protests of the men, and the wild tramping of the invaders' boots through the house. We see the overturning of furniture, the smashing into cupboards, attics, and wardrobes in the seeking out of the hidden, horrified Grey-Eyed. We witness the tearful farewells to home, the piling into the waiting truck of the pitiful family possessions, the bewildered mounting of the doomed Grey-Eyes. The truck rumbles forward, stops to pick up other Grey-Eyes and still more Grey-Eyes in the market square, at the corner store, in the parish church.

This is followed by the wild careening ride into the woods where additional Grey-Eyes are waiting chalk-faced and mute, staring at one another. We watch the unloading of the truck, and hear the guttural command to line up. Now the red-mouthed machine rifles are speaking their leaden sentences from left to right and right to left. The villagers are falling, some cut in two, others with blood flowing from their mouths and eyes, those grey-eyes, pleading for understanding, for an explanation as to why? Why? Others only wounded still fall into the deep ditches. The shooting party rides away, piteous hands uplift from the uncovered grave, we hear a moan-

ing which, at times, decreases to a murmur, then mounts to a wail, then ceases entirely.

Of course, this is all fantastic and incredible, but no more fantastic and incredible than what happened ceaselessly in the world of the Einsatzgruppen. If one substitutes the word Jew for Grey-Eyed, the analogy is unsailable.

It is to be assumed that if the defendants had been suddenly ordered to kill the grey-eyed population they would have balked and found no difficulty in branding such an order illegal and immoral. If, however, ten years before, the Nazi Party programme had denounced all grey-eyed people, and ever since then the defendants had listened to Hitler vituperating against the Grey-Eyes; if they had seen shops smashed and houses destroyed because Grey-Eyes had worked and lived there; if they had learned of Himmler's ordering all Grey-Eyes into concentration camps; and then had heard speeches wherein the mighty chieftains of the S.S. had declared that elimination of the Grey-Eyes would enure to the benefit and profit of the executives of the annihilating programme—if this had happened could we be so certain that the defendants would not have carried out a Führer-Order against all grey-eyed people? And in that event, would there not have been the same defence of superior orders?

But the fact that Hitler would have denounced the grey-eyed population and that the ensuing persecution would have continued for ten years would not have made the atrocities any more legal than the atrocities perpetrated against the Jews. Any orderly person who did not have a personal motivation to spur him and a personal advantage to be gained from such a persecution would acknowledge the illegality and the immorality of the barbarous oppression at once.

But it was contended by most of the defendants that it was different with the Jews because the Jews were bearers of Bolshevism, and as such they constituted a threat to the security of the German armies which were fighting Russia. Ohlendorf testified that "the representatives of this blood [Jewish] showed themselves especially suitable for this idea; therefore the carriers of this blood became especially suitable representatives of the Bolshevism". But there was no proof that Jewish arteries were particularly equipped to accommodate Bolshevik corpuscles. In Germany and other countries where the Jews were not charged with harbouring Bolshevik ideas they were killed just the same.

Nor was there even any far-fetched idea of historical revenge in the Jewish extermination programme. The Jews had always been good German citizens and countless numbers of them had served in the German Army in her various wars. The present distinguished and amiable Israel Minister of Justice, Pinhas Rosen, once was an officer in Kaiser Wilhelm's army.

When the defendant S.S.-Colonel Werner Braune took the witness-stand, he made a bold effort to sustain the theory of Jewish-Bolshevik amalgamation. How successful he was in this thesis can be gathered from his testimony. I asked him, "Did you believe that the vast majority of the Jews assisted the Bolshevik cause?" He replied that he was "convinced of that".

I suggested to him that if the vast majority of the Jews supported Bolshevism, this meant that some did not, and could he not have conducted investigations before executions in order to exclude from death those who did not support Bolshevism?

He said that he did not believe that such investigations would be possible "practically and technically".

"If you conclude that the vast majority were in favour of Bolshevism, it necessarily follows that only a small minority did not approve of Bolshevism, is that right?"

"Your Honour, a small minority; that might have been ten, twenty, thirty per cent."

"Well, all right. Let's say thirty per cent. Thirty per cent did not approve of Bolshevism. It would not be unreasonable to come to that conclusion?"

He observed that "there were a number of people who never cared one way or another".

"Well, give us just roughly, the percentage of those who did approve of Bolshevism among the Jews and those who did not. You say the vast majority did, would you say that is seventy per cent?"

"I cannot give you a percentage, your Honour."

"Well, let it remain the majority. The majority then did approve of Bolshevism?"

"I am convinced of that, yes."

"Well, then, the minority did not."

"There is something between pro and anti. Somebody can be convinced and fanatical and prepared to fight to the bitter end and somebody can approve, but say, 'I don't want to have anything to do with fighting', and somebody can be indifferent. Somebody can doubt and not be sure and somebody can conscientiously oppose it."

"Well, let's group them together just for the purpose of discussion. The majority approved. Let us say that is sixty per cent. That is not quite as strong as a vast majority, but it is a majority, sixty per cent. That leaves forty per cent who either did not approve or were indifferent. That would be a just way of dividing it, wouldn't it?"

"Whether that is right, your Honour, I cannot say, but I am prepared to follow an example."

"Very well, you say the vast majority—let's say sixty

per cent, to be on the safe side—did actually approve of Bolshevism. Then forty per cent—we are speaking of Jews all the time—either did not approve or were absolutely indifferent one way or the other. Now, when it came to executing a group, if you had excluded forty per cent from the execution order, would that have caused any great difficulty?”

“Your Honour, there was no choice for me. I was in a war under martial law. I had an order from the supreme commander to shoot all Jews for the reasons given to us and it was not possible for me except to obey this order in war under martial law.”

“Well, let’s suppose that you had a way of determining that forty per cent were not active Communists, couldn’t you have found a way not to execute them?”

“No, your Honour, I must say that this possibility did not exist.”

But can we accept Braune’s answer that “this possibility did not exist”? The Einsatz leaders ruled vast territories. No ancient Roman emperor had more absolute authority over life and death than did these men. If they really had not wanted to kill defenceless people, they could, by a nod of the head, or a wave of the hand, have saved populations from annihilation. The sad reality is that the Einsatz leaders had no desire *not* to kill Jews. The Führer-Order was welcomed because it imparted what they considered a colour of legality to what they wished to do because of personal satisfactions and advantages accruing to them. The killing of *all* Jews demonstrated conclusively that the Bolshevism argument was a dishonest one, because, even according to Braune’s calculations, some of the Jews were not Bolsheviks.

In fact, for Braune the killing of Jews was so much a matter of routine that, in making up his reports on persons

executed, he only mentioned Jews parenthetically. Referring to a search for "Communists and other untrustworthy elements", he said that "it was possible during the period covered by this report, to apprehend and shoot, for instance alone in Simferopol *besides Jews*, more than one hundred Communist N.K.W.D. agents and saboteurs". (Author's italics.)

Braune was not unwilling to describe what he had done. Our courtroom was equipped with a large wall map of Europe and Asia, embracing the area in which the four Einsatzgruppen organisations operated. Braune obligingly and courteously pointed out on the map various scenes of his activities with the ease and detachment of a college professor lecturing to a class of students. He reflected the confidence of the well-educated man that he was. He had obtained his degree of Doctor of Juristic Science when he was only twenty-four, and at the age of thirty-two had gone into the Einsatzgruppen, where he displayed a high sense of ethics in conducting killings. He explained that he refused to use gas vans because he did not think them honourable. "In my opinion an execution by shooting is more honourable for both parties than the killing by means of a gas truck. This is the reason why I refused to use the gas truck."

Arguing that what he did was proper, Braune nevertheless said that he had entertained some "inner misgivings" about shooting unresisting civilians. However, he presented no objective testimony to show that reluctance. If he was really acting under compulsion and deplored the killings, he would have wanted, whenever the opportunity presented itself, to save some hapless Jew, if for no other reason than to be enabled, later on, to give substance to his contention that he was morally opposed to the Führer-Order. I wondered if, at any time, he had released "some

defenceless woman or whimpering child of the Jewish faith, who was scheduled for execution”?

“Your Honour, I did not see any whimpering child. I said how hard it was for us, and for me, and my men, to have this order carried out. . . .”

“You know that since children were killed, they certainly wouldn’t go to their death laughing—since you seem to object to the phrase ‘whimpering child.’”

He said that he did not object to the phrase, but that there were no exceptions. Later on, I returned to the subject, thinking that in the meantime he might have recalled an exception. “You did not, in complying with that order, attempt to salve your conscience by releasing one single individual human creature of the Jewish race—man, woman or child?”

He was as constant as a professor of geology. “Your Honour, I have already said that I did not search for children. I can only say the truth. There were no exceptions, and I did not see any possibility.”

But the inevitable query recurs: Is this credible? Braune was separated from the bastions on the Rhine by mountains, lakes, rivers, forests, vast plains, countless cities and millions of people. He would have encountered no difficulties in clandestinely taking a boy or girl by the hand and leading him or her away from the execution pits, if only that he might say in later years, in the event Hitler’s boast for a thousand-year Reich should go awry, that he did have “inner misgivings” about the Führer-Order, and that on one occasion he did save a dirty-faced, whimpering child.

But, like Adolf Eichmann himself, Braune had no interest in saving Jewish children. In his memoirs dictated in Argentina before his capture by Israelis\*, Eichmann de-

\**The Magazine*, issue November 28, 1960

scribed in the following language an Einsatz execution near Minsk when 5,000 Jews were shot to death: "When I rode out the next morning, they had already started, so I could see only the finish. Although I was wearing a leather coat which reached almost to my ankles, it was very cold. I watched the last group of Jews undress, down to their shirts. They walked the last 100 or 200 yards—they were not driven—then they jumped into the pit. . . . Then the men of the squad banged away into the pit with their rifles and machine pistols.

"Why did that scene linger so long in my memory? Perhaps because I had children myself. And there were children in that pit. I saw a woman hold a child of a year or two into the air, pleading. At that moment all I wanted to say was, 'Don't shoot, hand over the child.' . . ."

But Eichmann did not say, "Don't shoot, hand over the child." He remained mute and the child was shot.

In Jerusalem, after having had time to reflect on what he had said and done, he changed the denouement of this story to read as follows:

"They were shooting into the pit—it was rather a large one, so I was told, perhaps four to five times the size of this room, perhaps even six or seven times . . . I didn't think much about it because I could hardly express any thoughts about it—I only saw it and that was quite enough—they were shooting into the pit and I saw a woman, her arms seemed to be at the back; and then my knees went weak and I went away."

Giving Eichmann credit for truth in this revised story of an episode which he quite voluntarily related the first time, and that he went away from the Minsk execution with weak knees, it is certain that those knees quickly straightened again, because the records conclusively show that he never stooped to dam the flow of blood pour-



ing through the dike blasted open by the Einsatzgruppen guns.

Though Braune on occasion said he had felt some "inner misgivings" about the Führer-Order and the massacres he conducted under its ægis, he never made any effort to be relieved of his assignment. Since he was under Ohlendorf's immediate command and admitted that he was on friendly terms with Ohlendorf, I suggested he might have said to Ohlendorf: "It is very difficult for me to execute this order. Can't you do something to save me from it? Can't you put me on some other assignment?"

Braune frowned at the idea. "I believe Herr Ohlendorf would have considered me a shirker if I had done this and he would not have had the slightest understanding in spite of our good relation."

"Well, then, you were more afraid of being considered a coward than to take the chance in asking him to relieve you from this task which you found so onerous and distasteful?"

"No, your Honour. I was convinced that there would be no point in it, and that Herr Ohlendorf would not have been able to do anything."

But Braune did not need to fear being called a "shirker" since Ohlendorf had testified that "I had sufficient occasion to see how many of my Gruppe did not agree to this order in their inner opinion. Thus, I forbade the participation in these executions on the part of some of these men, and I sent some back to Germany."

Moreover, Braune's biographical sketch introduced at the trial revealed that where he had reason to oppose orders he did so. Affidavits submitted by his attorney showed that when Braune served in Norway he bitterly opposed the Reich Commissioner Terboven by cancelling his orders, condemning large-scale operations, releasing

hostages and freeing the Norwegian State Minister Gerhardsen. And yet, in spite of this opposition, Braune was not shot or even disciplined. Was Braune more humanitarian in Norway than in Russia? The answer to that question is in the negative. He opposed Terboven because, as one witness specifically stated, Braune "did not expect the slightest success from such measures, and saw in them only the danger of antagonising the Norwegian population more and more against German policy and the danger of increasing their spirit of resistance".

But with the Jews it was different. There was no one to take up their cause and, therefore, there was nothing to fear in killing them.

The jewel of consistency which glittered as Colonel Braune held it aloft did not lose any of its lustre or gleam as it passed into the hands of S.S.-Lieutenant-Colonel Adolph Ott, another defendant, who, when he was asked if he had ever released a Jew, replied: "I believe in such matters there is only one thing, namely, consistency. Either I must shoot them all whom I capture or I have to release them all."

In February 1942, Ott took over the command of Sonderkommando 7B in Einsatzgruppe B at Bryansk, on the Desna River, some 220 miles from Moscow, and remained in that area, upholding the integrity of the Führer-Order, until January 1943, during which period he conducted from eighty to one hundred executions. In justifying these killings he said that the subjects of the executions deserved death since they were either partisans or saboteurs. He knew this to be true because he questioned them before he shot them. I inquired what he did if it developed that a Jewish prisoner had not committed any crime. Was he shot?

He seemed surprised at the question. Why, of course, he was shot, he replied.

Pausing a moment to get over my astonishment, I put the obvious follow-up query: "What was the necessity of the investigation if the result was that he always would be shot? What was the reason for wasting all this time on a man you were going to shoot anyway?"

But Ott was not as much a spendthrift of time as might at first seem apparent. He interrogated his prisoners in order to obtain information which could lead to the apprehension and execution of others!

But what if a prisoner refused to give information about others? He was shot just the same.

"Some of them refused to talk?"

"That is so."

"And they were shot just the same?"

"They had to be shot if they were Jews."

The real truth was now emerging. "Well, then, you did shoot some Jews because they were Jews?"

"I have already said, your Honour, every Jew who was apprehended had to be shot. Never mind whether he was a perpetrator or not."

Ott was even more specific. "I told my Sub-Kommando leaders that Jews after they are seized and do not belong to any partisan movement or sabotage organisation must be shot on the basis of the Führer-Order."

However, it must not be assumed that Ott was wholly inconsiderate of prisoners. He related: "In June 1942, without having received an order to do so, I opened an internment camp in Orel. In my opinion people ought not to be shot right away for comparatively small misdeeds. For this reason I put them in this internment camp, in which the people had to work. I determined the length of time that these people should remain in the camp on

the basis of examination and investigations of the individual cases which were made by my Kommando. It happened too that people were released."

Ott's magnanimity in this concession was probably even greater than he intended to express. His nobility of soul manifested itself not in the fact that he said "people ought not to be shot right away for comparatively small misdeeds", but in his assertion that it "happened too", that is, it *even* happened that some people were not shot!

Whether one who executes an order acts willingly or under compulsion can best be determined by the manner in which he proceeds to put it into effect. The defendant S.S.-Lieutenant-Colonel Eduard Strauch could hardly have been accused of lacking sympathy for the Führer-Order.

Strauch was an interesting figure. On the day of the arraignment he provided drama for the audience and exciting copy for newspapermen. As Judge Dixon asked him: "Eduard Strauch, are you represented by counsel before this Tribunal?" he uttered a shriek and toppled to the floor in an epileptic seizure. He was taken out by court attendants. It apparently occurred to him later that he could use this temporary or periodic incapacitation as evidence of insanity. A medical board, however, examined him and reported "that the defendant, Eduard Strauch, except for brief periods preceding, during, and succeeding epileptic seizures, is capable of understanding the proceedings against him and of taking adequate part in the direction and presentation of his defence."

The resourcefulness which prompted him to feign mental unbalance had its prototype in the ingenuity which enabled him to devise clever methods whereby his Einsatzkommando 2, of Einsatzgruppe A, could kill over fifty

thousand Jews in a matter of several months. So as to avoid the possibility of opposition from, or rioting among, his victims, he would loudly announce to the truck drivers, whose vehicles were filled with Jews, that they were to drive to varying destinations, thus conveying the impression to the passengers that they were to be taken to different places for resettlement. Previously, however, Strauch would have instructed the drivers to proceed to a single rendezvous—the mortuary ditch in the woods.

Anyone who so put his heart into his work could scarcely honestly say that he disliked it. One day he even invaded the office of his superior, the General Commissioner of White Ruthenia, seized seventy Jews and spirited them away for prompt execution. A grim commentary on this piece of business lies in the fact that Strauch almost got into trouble over it. The General Commissioner complained to headquarters, not because Strauch had killed seventy innocent human beings but because a subordinate had dared to come into his office and shoot “his” Jews *without telling him* about it!

Strauch said that whatever he did, he did for the “cause”. Thus he resented the fact that there should have been criticism because, before the Jews were shot, he had their dental gold fillings removed. “I emphasised,” he growled, “that I could not understand how German men could quarrel because of a few Jews. I was again and again faced with the fact that my men and I were reproached for barbarism and sadism, whereas I did nothing but my duty. Even the fact that expert physicians had removed in a proper way the gold fillings from the teeth of Jews who were designated for special treatment had been made the topic of conversation.” The charge of sadism against this S.S.-chief could hardly be dismissed lightly. Two scars which slashed across the left cheek of

his skull's face like stiletto tracings accentuated the sinister aspects of this born killer.

It would happen at an occasional execution that a brave prisoner would spit at his executioners as he was being led to his waiting grave. It was quite enjoyable then for a man like Strauch to spit back with a sub-machine gun, the fire bursting forth from a muzzle which never turned on its operator. What a satisfaction for the killer then to see the spitter falling headlong into a hole. And then the piling of the earth; the inordinate contentment of burying Hitler's enemy. This was victory, this was triumph, this is what the Führer asked for—called for in his speeches urging the S.S., the glorious S.S., on to greater victories and greater glories. Imbued with this kind of septic frenzy it was natural that Strauch would voice the observation that consideration for the Jews was "softness and humanitarian daydreaming", and that it was unthinkable that a German should listen to Mendelssohn's music; and that to hearken to Offenbach's *Tales of Hoffman* revealed a woeful ignorance of National Socialistic ideals.

In his attitude toward music composed by Jews, Strauch may have been inspired by an incident in the life of Adolf Eichmann who, when only a private in the S.S., beat up two Bavarians for playing Jewish phonograph records. This was another way in which Eichmann revealed to his S.S. superiors, in the early days, his "expert knowledge on Jewish affairs".

When Strauch, with a palpably exaggerated dragging of feet, first propelled his way to the witness-stand, he responded to the questions with irrelevant answers and volunteered statements which gave clear evidence, even to a medically untrained ear, of an ordered disorder and a patterned absence of pattern, all undoubtedly aimed at achieving an adjudication of mental, and therefore, crim-

inal irresponsibility. But one day he became so absorbed in the narrative of his exploits that he completely forgot his pose. His eyes gleamed with the remembered glory of his past Einsatz days and with obvious self-satisfaction he told of sixty to ninety executions he had personally attended, and recalled watching women and children lining up to be shot. Then, with a quick calculation, he stated that as nearly as he could remember the number of persons he had killed totalled seventeen thousand.

## Chapter Eleven

NEXT TO OHLENDORF, Paul Blobel was perhaps the defendant who excited the most notice among the visitors, who numbered not only Nuremberg residents but travellers from all parts of the world. Nuremberg from late 1945 to 1948 was a Mecca for historians, writers, dramatists, journalists and diplomats who recognised in the proceedings unfolding in the Palace of Justice the serious attempt being made to establish international responsibility to law by individual, as well as nations. While Ohlendorf arrested attention because of his good looks, Blobel drew awed glances for the opposite reason. As he sat in the front row in the defendants' dock his square red beard jutted out ahead like the prow of a piratical ship commanded by himself. His blood-shot eyes glared with the penetrating intensity of a wild animal at bay. It was hard to believe that this ferocious-looking creature was once an architect handling weapons no more lethal than a slide-rule and coloured pencils.

The Einsatzgruppen reports showed that Sonderkommando 4A, which Blobel commanded from January 1941, to June 1942, killed over sixty thousand persons. His attorney, Dr Willi Heim, was indignant over these reports and claimed they were not accurate. The truth of the



matter was, he said, that Blobel could not have been responsible for the killing of more than fifteen thousand!

As Blobel strode from the defendants' dock to the witness-stand, he seemed to change in aspect from a villain of the sea to a mountaineer guerrilla chieftain. Encased in a large military jacket with four enormous flapped pockets and numerous buttons, which somehow suggested bandoleers bulging with cartridges, he fired his answers as if from an automatic rifle. His whole expression shouted that it was absurd he should be charged with crime. He was fighting a war, the reports were wrong; he did not kill as many people as they charged him with. Moreover, all cases were investigated before executions took place. And then he asserted that he committed no crime since his shootings were authorised by international law.

When Prosecutor Horlik-Hochwald asked him: "Did you not have any moral scruples about carrying out executions—that is, did you regard the carrying out of these executions as in agreement with international law and in agreement with humanitarian impulses?" his beard bristled with the resentment of one who has just listened to a preposterous as well as insulting question.

Why, the executions of "agents, partisans, saboteurs, suspicious people, indulging in espionage and sabotage, and those who were of a detrimental effect to the German Army," he stridently rejoined, "were, in my opinion, completely in accordance with the Hague Convention."

He did not stop to name any article of the Convention which authorised the killing of "suspicious people". Nor did he manifest the slightest awareness of the terrible reality that killing on mere suspicion is the very essence of first-degree murder. Othello will wash for many an æon in "steep-down gulfs of liquid fire" before he will be cleansed of the guilt of strangling Desdemona.

When his attorney asked him if he had any moral scruples against the execution of women and children, Blobel replied that he did not, because "every spy and saboteur knew what he had to expect when he was arrested". He did not specify in what manner women and children were spies and saboteurs.

Another explanation he offered for executions was that they were in the nature of reprisals. He believed that the killing of ten of the enemy for one German soldier "murdered" was not disproportionate because "other countries also carried out reprisal measures, and have given orders for such reprisals, about one to two hundred according to the well-known order of General Eisenhower".

Surprised to hear this statement, I asked: "You say there was a well-known order of General Eisenhower that two hundred were to be executed to one?"

Testily he replied: "All the German people know, your Honour, that an order was given by General Eisenhower that for every one American who was killed, two hundred Germans were to be shot." The defendant had become a prosecutor.

The courtroom was filled with people, many of them obviously German. I swept my hand from left to right to encompass the entire audience. "In this courtroom there must be, undoubtedly, many Germans. Can you point out one who knew of this order which you have just stated?"

The bearded accuser sat rigidly in his chair and made no answer. I inquired of Blobel's attorney if he knew of such an order. Bowing low, his robe scraping the floor, Dr Heim said: "No, your Honour."

I asked the defendant whether he had personal knowledge of the order, and when he said that he had not read it himself, I inquired if any attorney in the courtroom knew about the order. To this question, he answered in

the affirmative. I directed my glance at the score of lawyers sitting at the defence tables and at the several lawyers at the prosecution table. "Does any attorney here know about the order, yes or no?"

Blobel shot out, "Yes."

"Which one?"

"Dr Heim, for example, read about it."

"Dr Heim has already denied knowing about any such order. Mention the next person."

"I don't know the other gentlemen as well. I said I presume that people knew it."

He suggested that perhaps Ohlendorf was acquainted with the order, but Ohlendorf was now allowing himself one of his rare smiles. He hated Blobel because he regarded him as a liar and enjoyed seeing him, as he told others later, "stewing in his own juice".

To my question as to whether he could point to one defendant "who can state that he saw this announcement", Blobel replied: "I'd have to ask each one individually."

I faced the dock: "The Tribunal will direct a question to all of the defendants. The witness has stated—of course, you have heard what he just stated—that an order was issued by General Eisenhower that for every Allied soldier killed, two hundred Germans would be killed. . . . Did any of the defendants here in this court ever see such an announcement? If any one did, he will please raise his hand."

Passing up Ohlendorf, Blobel turned the fiercely burning candle-power of his eyes on the defendants, one after another, seeking by sheer ocular strength to lift one hand out of the two score available to confirm his utterance. But not a finger lifted or turned. The whole defendants' dock had turned to stone. I waited for a minute or two and then addressed the glowering Blobel: "No defendant

has raised his hand, so now we come back to your original statement, that all of Germany knew of this announcement. Do you want to withdraw that statement?"

The bold and haughty beard had drooped to its owner's chest. The flaunting moustache had also wilted. Through the whiskery jungle came a mumble: "Under those circumstances, I have to beg your pardon."

Blobel was the evil genius of the notorious Kiev massacre. Sometime in September 1941, the Jews of that city were instructed to appear in the public square on the 29th of that month with all their belongings, since they were to be "resettled". They responded in multitudes, eager to rid themselves of a city bewildered and reeling under the battering fist of war. A long procession of trucks rolled up to haul them to the "resettlement" area, where they were immediately taken before the execution rifles. Never had Blobel as an architect planned and executed a building project so efficiently as he did this razing of human lives. The victims were spared long delays, the anguish of doubt, the inconveniences of lack of shelter and food, and worry as to what might happen to their property and valuables.

So expertly did the ex-builder organise the truck service, the firing squads, and the burial teams that at the end of the second day 33,771 persons had been killed and entombed. And in the meantime every item of the "resettled" people's property had been gathered and catalogued, not only with governmental survey proficiency, but with the supreme virtue of charity dominating all. The official report stated that "Money, valuables, underwear and clothing were secured and placed partly at the disposal of the N.S.V. (Nazi Party Public Welfare Organisation) for use of the racial Germans, partly given to the city administration for use of the needy population."

But with his charitable instincts gratified, Blobel was

still not entirely content, for the report informs us further : "The Jews who were not yet apprehended as well as those who gradually returned from their flight again to the city were in each case treated accordingly."

In Zhitomir, some eighty-five miles from Kiev, and then on his return to Kiev, Blobel continued his intensive drive on behalf of charity. The clothes taken from his victims in these latter operations required the service of numerous auto-cars. A report dated November 12, 1941, announced that "137 trucks full of clothes, made available in connection with the campaign against Jews at Zhitomir and Kiev, were put at the disposal of the N.S.V."

Blobel willingly described just how he conducted executions. He related how he divided his extermination unit into shooting squads of thirty men each, after the long ditches had been dug. "Out of the total number of the persons designated for the execution, fifteen men were led in each case to the brink of the mass grave where they had to kneel down, their faces turned towards the grave. When the men were ready for the execution one of my leaders who was in charge of this execution squad gave the order to shoot. Since they were kneeling on the brink of the mass grave, the victims fell, as a rule, at once into the mass grave."

"I have always used rather large execution squads, since I declined to use men who were specialists for shots in the neck (Genickschussspezialisten). Each squad shot for about one hour and was then replaced. The persons who still had to be shot were assembled near the place of the execution, and were guarded by members of those squads, which at the moment did not take part in the executions."

I must confess that I did not easily adjust to the contemplation of this vast and calloused extermination of human life, but finally came the time when I could ask

questions on the frightful details of executions without a hesitant voice or any visible emotion. And so I asked Blobel if he attached any type of marker or sign to the victims in order to guide the aim of the riflemen. If my voice was firm, Blobel's was as steady as a howitzer as he replied that the men of his unit were expert shots.

Nevertheless, I had misgivings, so I went on: "Striking a vital spot in the body requires a very steady hand, a very good eye and perfect control of the nervous system. Would you say that all these riflemen were so well-trained that they could bring home their shot to a vital spot in the victim's body at all times?"

An audible shudder ran through the spectators in the courtroom for they could visualise as well as I could the possibility that a person only slightly wounded could be buried alive. But Blobel said it was impossible. "After each firing order, when the shots were addressed, somebody looked at the victims, because the victims were then put into the grave when they did not fall into the grave themselves, and these tasks were in the field of tasks of the men of the individual Kommandos. The edge of the grave had to be cleaned, for instance. Two men who had spades dealt with this. They had to clean it up and then the next group was led there."

I still worried about the possibility of a conscious person seeing the coffin lid of earth closing over him. "Since this was all done rapidly, might it not be possible that a victim would be buried, even though not actually dead?"

"No, that is quite impossible, your Honour."

"You exclude that possibility?"

"Yes, for the simple reason that if it was ascertained that the shots which had been aimed at the head had not actually hit the head, one of the men of the firing squad

was called in, who fired again [with rifle] from a distance of three to four paces. He shot again and thus it was made absolutely certain that the person concerned was dead."

A slight noise at the foot of the bench caused me to look down. The girl reporter, who was recording the testimony, held a convulsive hand to her mouth, smothering a gasp, while the other moved over her notebook. Perhaps she pictured, as I did, the blood-curdling scene of the headhunter bearing down on his helpless, frozen-eyed prey, and firing at three paces.

Although Blobel asserted that he acted legally at all times, he was concerned about the evidence he left of his executions. So also were Himmler, Mueller and Eichmann back in Berlin because it was not too certain now that Germany could hold the terrain taken from Russia. The long graves spoke too clearly of mass murder. Blobel was called back to Eichmann's headquarters at 116 Kurfürstenstrasse where he was given orders signed by Mueller to erase evidence of the killings, by opening the graves and burning the corpses. The burning process was not too successful, so Blobel resorted to dynamiting.

Rudolf Hoess, commandant of the Auschwitz Concentration Camp, co-operated with Blobel in the operation and reported that "the ashes, ground to dust in a bone mill, were thrown in the vast forests around".

Despite these attempts to dissolve the ghosts which could rise to haunt him, Blobel was boastful of his bloody handiwork. A witness, Albert Hartel, called by Blobel himself, testified to being with the red-bearded defendant in Kiev in March 1942. One day Blobel took him into the country to show him around. Suddenly Hartel became frightened, he recalled, by the fact that the earth was heaving beneath their feet. Under questioning by Dr

Heim, Blobel's own lawyer, Hartel explained: "There were some kind of eruptions, a kind of explosion, and I asked Blobel what it was, and he said: 'Here my Jews are buried.'" Just as a wild-game hunter might proudly point to a tiger he had bagged in the jungle.

Blobel, decadent and drunkard though he was, still strove to hold his head high. When Prosecutor Horlik-Hochwald, reading aloud from a document which contained Blobel's name, asked him if his name was Paul Blobel, he proudly declared: "My name is Hermann 'Vilhelm Paul Blobel."

It is not strange that Eichmann, who had his own fondness for the bottle, enjoyed Blobel's companionship and admired his work. When Eichmann visited Blobel in the field he invariably took along with him a supply of schnaps to consume with one of his most capable executioners. Eichmann so appreciated Blobel's technical abilities that he occasionally invited him to Berlin to speak before his Gestapo staff of specialists. In one lecture, delivered in November 1942, Blobel spellbound his audience with a grisly, graphic account of his experiences in opening graves and cremating executed Jews.

Regardless of their mode of procedure, the executioners commended themselves on the magnanimous methods they observed in accomplishing their missions. Defendant after defendant emphasised to the Tribunal that the requirements of militariness and humaneness were fastidiously complied with in all killing parties. Of course, occasionally, as Otto Ohlendorf described it, "the manner in which the executions were carried out caused excitement and disobedience among the victims, so that the Kommandos were forced to restore order by means of violence", that is to say, the victims were beaten.



The defendant S.S.-Brigadier-General Erwin Schulz also assured us that "*useless tortures*" were avoided.

How did the people destined to die react to their fate once they became aware of its irrevocable finality? According to Blobel, most of them were silent. Some of the prisoners, who were to be shot in the back, turned around at that last moment and bravely faced the riflemen, but still they said nothing. The executioners could not understand this muteness—but what did they expect these pitious mortals to say? What words could be found to speak of this unspeakable assault on humanity, this monstrous violence upon the dignity of life and being? The helpless doomed were silent. There was nothing for them to say.

When Blobel commented rather disparagingly on this silence, I asked him: "You mean they resigned themselves easily to what was awaiting them?"

He replied: "Yes, that was the case. That was the case with these people. Human life was not as valuable as it was with us. They did not care so much. They did not know their own human value."

I winced at this self-satisfied and grim comparison of life values.

"In other words, they went to their deaths quite happily?"

"I would not say that they were happy. They knew what was going to happen to them. Of course, they were told what was going to happen to them, and they were resigned to their fate, and that is the strange thing about these people in the East."

"And did that make the job easier for you, the fact that they did not resist?"

"In any case the guards never met any resistance or, at least, not in Sokal. Everything went very quietly. It took time, of course, and I must say that our men who took

part in these executions suffered more from nervous exhaustion than those who had to be shot."

"In other words, your pity was more for the men who had to shoot than for the victims?"

"Our men had to be cared for."

"... And you felt very sorry for them?"

"Yes, these people (the riflemen) experienced a lot psychologically."

It is easy to understand, after a panoramic view of this necromantic titan's bouts with blood and graves, why the defendant Eugen Steimle, who served in the same Einsatzgruppe with Blobel, in commenting on personages he had known in that organisation, summed up Blobel as "Bloodhound, brutal, without inhibitions, unpopular".

If there ever was an understatement worthy of recording it is that last word. Still, Blobel was able to convince himself that he was not the lowest person on earth. In the final days of the war, when he knew he faced capture and trial for his crimes, he conjured up a hatred for his drinking partner Eichmann, whom he blamed for his shameful fall from everything that was decent in life. As he lay in the gutter of complete moral irresponsibility he determined to rise at least an inch so as to be higher than Eichmann. With Nazi armies surrendering right and left and isolated units fleeing from the hotly pursuing Allies, Eichmann and Blobel came by chance upon one another in Kaltenbrunner's headquarters in Salzburg. Eichmann advanced eagerly to greet Blobel with plans on how they should pool their resources for a successful escape. Blobel cut him dead and went on his way alone—to an eventual capture and a subsequent hanging.

## Chapter Twelve

NATTY S.S.-BRIGADIER-GENERAL Erich Naumann affected a short, bright-tan military jacket in the courtroom. With regular features and an excellent military bearing, he must have struck an impressive figure as, arrayed in general's uniform, with gleaming boots and a shining sword, he led his columns to the execution grounds, all to the glory of Adolf Hitler and the purification of the Aryan world.

From Smolensk, Russia, he had sent to Eichmann the reports which we had before us, one of them stating that during November 1941, his Einsatzgruppe B had killed 17,256 Jews, sixteen of them children in a children's home. Another report spoke of executions between March 6th and 30th, 1942, numbering thousands of persons. Although some of the deaths in this report were labelled as punishment for "theft", "attempted murder", "sabotage" and "spying", most of them were listed simply under the designation of "Jews", "gypsies", or "membership in the Communist Party". Naumann acknowledged that his Einsatzgruppe possessed two or three gas vans which "were used to exterminate human beings".

Here a little diversion may be in order regarding Eichmann's direction and supervision over the Einsatzgruppen, as brought out through Naumann's activities. At the Eich-

mann trial I testified to the fact that Schellenberg, as head of Department VI of the R.S.H.A., had been involved in a project entitled "Operation Zeppelin", the purpose of which was to get Russian prisoners-of-war to spy on fellow-Russians. Some of these Russian spies were later themselves executed by the Germans, the actual shooting being done by men from Einsatzgruppe B, headed by this same Brigadier-General Naumann. I pointed out in my testimony that in this operation Schellenberg "worked hand in glove with A.M.T. IV, the Gestapo, and because of that association, aside from the usual routine office camaraderie between individuals in the same organisation, Schellenberg came into contact with Eichmann, who of course was heading B4 in the Gestapo". It was because of this association, in addition to Schellenberg's officiating for Mueller when the latter was absent, that Schellenberg acquired intimate knowledge of Eichmann's work. Schellenberg related to me in Nuremberg, and I so testified in Jerusalem, that "Eichmann as chief of that part of the R.S.H.A. which dealt with Jews, supervised and directed the activities of the Einsatzgruppen in the extermination of Jews".

Naumann, like Braune and Ott, subscribed to the "no exception" rule. When he took the stand in his defence, and I asked him if he thought that "in order to win the war it was necessary to kill hundreds of thousands of defenceless people, men, women and children, unarmed," he replied unhesitatingly in the affirmative.

Later, however, he probably felt that he had committed himself too far and withdrew to the sheltering statement that he did entertain some misgivings about the Führer-Order. I now naturally assumed that he was conceding it was wrong to kill blameless populations, especially women and children, and accordingly asked him if that was so.

But he replied, as a wave of surprise rippled through the Nuremberg courtroom attentive with spectators and newspapermen from many countries: "Not wrong, your Honour, because I was given the authority to do so, because there was a Führer decree."

However, still later, his answers again began to drift towards definite acknowledgment of evil in the Führer-Order, and I consequently put the question: "Therefore, you thought there was something wrong about it, something morally wrong?" But, again, unexpectedly, he replied: "No."

"You saw nothing wrong in mowing down these defenceless men and these helpless women and children? You saw nothing morally wrong in that?"

"Not unjust, your Honour."

Since there was no doubt about Naumann's participation in the killings attributed to him and his unit, the only question left for us to resolve was whether he shot down the thousands listed in the reports because he wholeheartedly approved of the Führer-Order, in which event his guilt would be established conclusively, or whether he was compelled, against his will, to conduct executions, in which case the verdict would favour him. Thus, it was vital to the decision of the Tribunal that we know if Naumann perceived any illegality in the Führer-Order. To a question directed towards getting an answer on this specific point, he replied: "Your Honour, I know that my yes or no will be very decisive and I do not hesitate to answer."

But he did hesitate, and in the heavy silence which followed I sought to relieve the tension by explaining that all we wanted was the truth. He either thought the order was right or it was wrong. Which was it? "There is certainly no disposition to coerce you to give one answer or

the other." I pointed out the extraordinariness of the fact that under the Führer-Order people were shot down without opportunity to defend themselves or even to protest. "Now you either agreed with this order or you did not agree with it."

His voice vibrant, he replied: "Yes, your Honour, I did agree with it."

But as soon as these words left him, he seemed to regret having uttered them. He looked fixedly ahead as if realising that here at Nuremberg he was standing at the cross-roads of world-reckoning. The muscles of his throat visibly tightened as I assumed he was preparing to say that his conscience had bothered him and that he did entertain qualms about executing an order whose savage scope might have shocked the feelings of even a cannibal king. But still he wavered. He apparently could not bring himself to repudiate the man who had made him a general with the greatest power that can be bestowed on any mortal, that of issuing unappealable decrees of death. He withdrew to the lamparts of his original decision that he approved of the Führer-Order.

Wanting to make certain that this was his well-considered conclusion, I asked: "And then you had no reluctance about putting it into effect because you agreed with it?"

His fingers played a tattoo on the ledge of the witness-box; he blinked several times. A sense of moral guilt was now perhaps suggesting an answer which would show to the world that he was not without honour. "I have already said that I had misgivings. It was with reluctance and it was a fight between duty and conscience and the realisation that this measure was necessary in order to fight Bolshevism."

I was, of course, aware, as he had himself said, that his

answers could be decisive. Accordingly, I wanted him to take all the time he needed in which to reflect fully on what he had done and how he would account for what he had done. "Then you did not agree with the Führer-Order completely? Let me point out to you, witness, that when a soldier goes into battle, he has no misgivings. He is going in to fight. He knows that his opponent is armed. He knows that he is fighting for his country and he may kill. Further, afterwards, if he comes out alive, he goes home and he sleeps tranquilly at night; he has no misgivings, no regrets. On the contrary he may be enthusiastic over the combat he waged. But here you say you did have some misgivings; you did entertain some reluctance, so, therefore—" and here I paused, while the whole world seemed to pause with me. The defendant sat as still and quiet as the bronze hour-glass attached to the wall. Equally the whole courtroom settled into the stillness of statuary. Sunlight streaming through the windows cast on the floor distorted shadows of the human tableau; it fell on the witness-chair and brightened Naumann's military jacket until it shone like burnished armour. Time seemed to stop.

Clearing my throat to complete my statement, I started at my own voice: "So therefore, I ask you whether or not you did not believe at the time that there was something wrong with the order."

Again there was silence. Outwardly Naumann was as still as the bronze hour-glass, but inwardly, undoubtedly, the pendulum of deliberation pitched in alternating decision. Which did he prefer: To stand high in the estimation of his Führer, even though he was dead? Or to seek the respect of the world, thousands of whose guiltless inhabitants he had slaughtered? He turned slightly in the chair so that he could face me directly. He straightened

out the wrinkles in his jacket, and in a modified, respectful voice he answered: "No, your Honour, I considered the decree to be right, because it was part of our aim of the war and therefore it was necessary."

So that there could be no doubt about his decision, I pointed out the interpretation we could take from his words. "Then the Tribunal will accept from your answer that you saw nothing wrong with the order, even though it did involve the killing of defenceless human beings. That is what we draw from your answer."

He nodded in affirmation: "Yes, your Honour." And as he stalked back to the prisoners' enclosure, one could almost imagine his doing it to the Wagnerian strains of *Götterdämmerung*.

The attitude of S.S.-Colonel Walter Blume was a little different from that of General Naumann. He said that he obeyed the Führer-Order because he was compelled to do so although actually it filled him with revulsion. However, despite this supposed revulsion, he told us he urged upon his men the reasonableness of the order. With a scar which began at the left corner of his mouth and extended halfway across his cheek, it seemed, as he testified, that his speaking outlet had had to be enlarged by surgical operation so that he could make speeches to his Sonderkommando 7A which did its part in wiping out what one of his reports declared to be "racially completely inferior elements".

It was not difficult to visualise Blume, with his slanting forehead and elongated mouth, as he stood before his men ordering them to load and cock their rifles and then stentorianly addressing them in the following language, which he repeated in Court: "As such it is no job for German men and soldiers to shoot defenceless people, but the



Führer has ordered these shootings because he is convinced that these men otherwise would shoot at us as partisans or would shoot at our comrades, and our women and children were also to be protected if we undertake this execution."

Blume also explained from the witness-stand: "This we would have to remember when we carried out this order." But he did not remember to say that the men, women, and children he ordered killed had not committed any crime or shot at anybody. He only remembered that the Führer had said these people "would shoot" at them, their women and children—a thousand and more miles away. In other words, the Jews were to be killed because of the *possibility* they might at an unknown time in the unknown future be of some danger to the Führer and the executioners. Blume said he made this speech to ease the feelings of his men, but what he was really doing was convincing them how proper and justifiable it was to kill innocent and helpless human creatures. If he had actually believed the order to be unjust, conscience would at least have restrained him from falsely defending it on the basis of justice and reasonableness. His exhortations probably persuaded his men into the enthusiastic accomplishment of other executions which might otherwise have been avoided entirely or less completely fulfilled.

Evidently foreseeing that the proposition might be put to him that if he regarded the Führer-Order as unjust he could have avoided it by simply sending in a false report, he volunteered a refutation to the unspoken charge. "A false report did not occur to me. I would have considered it unworthy of myself." And then he added as an afterthought: "Apart from this my personal attitude about giving a false report, it would have been discovered very soon and it would have brought the same results as an

open refusal to obey, namely, my sentence to death."

Of course, if the latter alternative were the more probable of realisation, there would be, on the basis of self-preservation, justification for Blume's refusal to misreport. However, since he offered two contradictory excuses, I asked which of the two motivated him to kill rather than to falsify. He replied:

"Your Honour, today I cannot exactly put myself in a situation, which one of these two thoughts dominated at the time, but they were both very close and both faced me barring a way out."

I insisted on an answer: "But those two reasons can't be reconciled. It is like a person who must decide whether to steal a hundred dollars or not and a conflict arises in his mind: 'If I steal this money I am being dishonest and I would not be true to myself; it is not correct, it is not moral—that is one reason. And then, for the second reason, I may get caught and they might send me to jail.' But here the second reason completely nullified the first because in the latter case he was not debating the problem morally; he was concerned only with the fear that he might 'be caught'."

Blume seemed offended with the illustration. He squared his shoulders; he was a man—and he declared with emphasis that "the feeling that a false report was unworthy of me induced me not to take such a way out".

Thus, he found it more manly to kill people he knew to be without fault than to tell a lie to his superiors in Berlin—several civilisations away.

This presents an interesting subject for reflection. The man who must choose between honour with sacrifice and dishonour without sacrifice would prefer naturally not to be forced into choosing between such alternatives. But no one can be assured, in the complexities of life, that he

will not be required to make momentous decisions. Blume had the choice between the physical fact of murder and the abstract concept of equivocation. He had to decide which was more honourable: to write up a report stating that five hundred men, women and children had been killed although they still lived, or to take these helpless human creatures out into the woods, shoot them down pitilessly and fling them into graves with the possibility that some of them might still be alive.

One defendant stated that to have disobeyed orders would have meant a betrayal of his people. Did he really mean that the German people, had they known, would have approved of this unrestrained butchery? The masses of the home-loving German people, more content to have a little garden in which to grow a plant or two than a promise of vast lands beyond the horizon, now got to learn, through the Nuremberg trials, how they were betrayed by their supposed champions. How much inhumanity, how much oppression, how much of innocent blood has been shed throughout history in the name of the "People", whose only desire is to be allowed to live at peace with their neighbours, unharrassed by restless, ambitious and greedy chieftains so determined to lead them to riches and glory—over a precipice.

Blume was very solicitous about the health of his men. After a spell of executions he would take them out into the country by the shores of a beautiful lake where they found diversion and recreation. He testified: "They were particularly grateful for this. We started every day with sports. In the evenings I had songs sung at the campfire."

But there were no songs sung in the thousands of homes he had emptied of father, mother and babies. For Blume, there was only one home and that was his own, to which he expected to return, crowned with laurel wreaths which

he would place at the feet of the man to whom he had entrusted his conscience and who represented for him the law of the world. When Blume spoke of an incident where he had executed three men because they had urged some farmers not to bring in a harvest for the Nazi invaders, Mr Ferencz asked: "Are you familiar with the rules of war?"

"In this case I acted by carrying out the Führer-Order which decreed that saboteurs and functionaries were to be shot."

"Did you regard a person who told a farmer not to assist the Nazi invaders as a saboteur—only because he refused to help the Nazis—as worthy of the death sentence which you invoked?"

"Yes."

"Are you familiar with the rules of war?"

"I already stated that for me the directive was the Führer-Order. That was my war law."

Blume stated that he "admired", "adored", and "worshipped" Hitler because what Hitler did was right. His ideas of what constituted right may be gathered from some of his answers regarding Hitler's invasion of neutral countries.

"You believe that it was proper to make war on Norway, which had not declared war on Germany?"

"Your Honour, I can only repeat that at the time it was explained to us quite clearly and we believed this."

"You believed it was proper?"

"Because we believed. . . . We would be first this way."

"Well, regardless of what was told you, you believed it was proper to invade Norway?"

"Only because of what I was told."

"You believed it to be proper in view of what had been told you?"

"Yes."

"And you believed it was proper to invade Denmark and Holland and Luxembourg?"

"All this was connected with the statement that we had to carry out this in order to avoid that they attack us."

"Well, you believe that it was proper?"

"From that point of view, yes."

"You believed it was proper to invade Greece?"

"At the time there were differences already."

"But you believed it was proper. That is the only thing I want to find out."

"Yes, your Honour."

"You believe it was proper to invade Yugoslavia and Belgium?"

"Yes, we were told at the time."

"Now, do you justify all those invasions today? Do you think today that it was proper to have invaded all these countries?"

"Your Honour, I have no possibility to study history here."

"Do you believe today it was proper to invade Norway, Denmark, Holland, Belgium, Luxembourg and the other countries?"

"I can't reply to this, your Honour."

Blume felt that Adolf Hitler "had a great mission for the German people". It did not matter to him what this mission might mean to the rest of mankind. With all other members of the Nazi Party he voluntarily took the Führer-oath: *I vow inviolable fidelity to Adolf Hitler, I vow absolute obedience to him and to the leaders he designates for me.* By this absolute submission of his will to that of Hitler, Blume wiped out the defence of superior orders. When anyone willingly abdicates all independent thinking and tenders himself as putty into the hands of another, he

cannot complain if he is punished for the crimes plotted and planned by the other with whom he stands inviolably in agreement. For let it be said once and for ever that Hitler with all his cunning and unmitigated evil would have remained as innocuous as a rambling crank if he did not have the Blunes, the Blobels, the Braunes and the Bibersteins to do his bidding—to mention only the B's.

## Chapter Thirteen

WHEN I FIRST studied the defendants in the dock, after ascertaining the crimes with which they stood charged, I was astonished to learn that most of them had had a formal education. This naturally was shocking to me because one ordinarily associates brutal crimes with uneducated brutes, but it was more than shocking to discover among these intellectual vagrants one who not only held the exalted degree of Ph.D., but who had occupied the chair of Political Science at the renowned University of Berlin. The academic career of this person, Franz Six, was, in fact, outstanding. He studied at the Realschule, graduated from the classical school at Mannheim, and then matriculated at the University of Heidelberg, where he specialised in sociology and political science, receiving the degree of Doctor of Philosophy. He then taught at the University of Königsberg, becoming there Dozent in the faculty of law and political science, and later attaining the *venia legendi* at the University of Leipzig. At the University of Berlin he was recognised as the Dean of the Faculty for Foreign Countries.

By some strange process of inversion, however, Professor Franz Six seemed to have become less professorial-looking with each scholarly cubit added to his bulky and

towering frame. One might even say he looked more bibulous than bibliophile. An exaggerated slouch seemed to emphasise the disorder of his rumpled suit and to suggest a snobbish glint to the glasses perched not too solidly on his pedagogical nose. All this, however, did not deter Himmler from making Franz Six a brigadier-general in the S.S.

In spite of Six's early collegiate preoccupations, he found time in those days to roam the streets with the brown-shirted Nazi hotheads and in 1930 he became a full-fledged member of the Nazi Party. He then graduated into the murderous S.D. and, by another strange inverse process, became the superior officer of the later-to-be supreme executioner of all time, Adolf Eichmann. It was Six who recommended Eichmann's appointment to the Scientific Museum for Jewish Affairs and it was he who helped make arrangements for Eichmann's trip to Palestine in 1937.

Admired and respected as were scholastic achievements in the Nazi world, a rhinoceros skin meant more than a sheepskin, so that Eichmann, through sheer demonstration of anti-Semitic brutality, went ahead of Six and eventually became the teacher and Franz Six, although still brutal in his own specific way, retrograded to the status of pupil.

In making preparations for the Einsatzgruppen expedition, Eichmann, grateful for the start given to him by his former teacher, and thoroughly aware of Six's technical proficiencies in anti-Semitism, recommended him to Heydrich to lead the so-called Vorkommando Moscow, which, like all the other Kommandos, was committed to the extermination of Jews.

When Six took the witness-stand, however, he denied that he or his unit had anything to do with executions, even though the reports in our hands showed that his unit



had zestfully carried out the fateful Führer-Order. Six maintained that the principal function of his Vorkommando was to collect documents and archives, but even if this were true, that fact would not exclude participation in executions. Hitler had ordered the liquidation of all political functionaries. The lists of such persons were to be found among the "documents and archives" that Six collected which, when obtained, were turned over to the firing squads.

Six maintained that his interest in Jews was purely scientific. The nature of this scientific interest can be gathered from a speech made by him in April 1944, in Krummhuebel at a session of consultants on the Jewish question, an excerpt from which read: "The physical elimination of Eastern Jewry would deprive Jewry of its biological reserves. . . . The Jewish question must be solved not only in Germany but also internationally."

In spite of this exhortation to Semitic annihilation, Six testified that he was a very tolerant man. Settling back in the witness-chair with the air of a man whose education is too broad and profound to permit of the littleness of racial prejudice, he explained why it was impossible for him to be an anti-Semite. Why, two of his very best teachers, when he was working on his doctor's thesis, were Jews. He said that he not only had great respect for those two Jews but regarded them as friends. He had often visited them at their homes and even after he had left the university he had corresponded with one of them. I asked him what was his attitude towards these two Jews when the Nazi storm of violence broke over their heads. He shrugged his heavy shoulders: "I regarded it in any case as highly unpleasant that these people were concerned in new laws and regulations."

But he thought that the Jews had really not suffered

greatly. When it was suggested to him that millions of Jews had been persecuted, he jerked his head forward in quizzical challenge. "What do you mean by persecution?"

His question was answered: "Now, Professor Six, a man who has been a dean of a university and a professor and a journalist and a newspaperman and a general and a soldier—with all of your experience, for you to ask what is meant by persecution seems a little trifling. You know it means from personal insult up to deliberate killings. Now, that is what is meant by persecution. It ran the whole gamut from the simplest kind of an insult to the last solemn crime of killing defenceless people and burying them in unmarked graves. That is the definition of persecution. Did you feel offended when all the Jews were persecuted?"

After this explanation, he said that he thought it was a "shame and a scandal" that Jewish synagogues should have been destroyed by fire, but he detected nothing improper about the executions performed under the Führer-Order.

Like David taking Goliath's measure, the short Benjamin Ferencz looked up at the tall Six and, with scorn edging his voice, asked: "You stated when you learned of the burning of the synagogues, as a German it struck you as a shame and a scandal. I am asking you as a German did it strike you as a shame and a scandal when you learned of the murder of defenceless people?"

Six shook off the question with the equivocating "it depends on circumstances".

But Ferencz was not to be shaken off. He insisted on a definite reply, Six demurred; Ferencz repeated the question; Six was annoyed, but finally his big pedagogic brain swung into action: "The fact that synagogues actually burned and that no steps were taken to prevent this, I

regarded as a shame, as a German and as a human being; but I cannot regard an order as a shame. It is, after all, the contents of an order, but not the order itself. I cannot say that an order is a scandal. If the Chief of State issues an order, I can only regard it as a human being, and I am prepared to regard and to judge it as a human being, but I cannot say that an order is a scandal, an order by the Chief of State."

With this answer, Six stripped away his own veneer of education and culture and stood revealed in all his primitive prejudices. Although years had passed since the Führer-Order was promulgated; although the whole world stood aghast at the crimes laid at Hitler's door; although Germany lay in wrack and ruin as the result of Hitler's absolutism; although Six and his co-defendants were charged with offences which could merit the death sentence—in spite of all this, he still refused to acknowledge that Hitler's order to kill innocent Jews was "a shame and a scandal".

His answer so astounded me that I felt the need of a confirmation. Accordingly I asked him if he did not consider the execution of Jews also "a shame and a scandal".

He replied: "Must I answer this question?"

I said: "If you don't want to answer, the Tribunal will have to assume that you don't want to make a comparison between the destruction of an inanimate conglomeration of stone, brick and mortar, and pulsing live human beings. You are indicted and you voluntarily take the stand. No defendant is compelled to take the stand if he does not wish to, but once he takes the stand, he is subject to cross-examination and then, if he volunteers statements, certainly those statements are open to inquiry."

Mr Ferencz now put the question again: "When you learned of the execution of Jews as a result of the Hitler

Order, did you regard it as a shame and a scandal?"

This time Six was willing to concede that it was wrong to kill women and children, but he would not go the whole way and admit the same about defenceless men because the killing of the defenceless men, he said, was "the expression of the Führer-Order".

Although, while on the witness-stand, Six could not testify to any specific act of kindness he had ever manifested toward Jews, he submitted a deposition at the Eichmann trial in which he said: "If I wanted to get an unusual favour for the good of the Jews, I would not go to Eichmann, for he was an outstanding representative of the opposition. I would go first to the Foreign Ministry, or to Schellenberg. Exceptions could be worked out with Schellenberg."

To this statement Eichmann made the acerbic comment: "this is a strange statement from a man who was so outspoken against the Jews in 1944. . . ."

Thus, Six claimed he helped the Jews, and Eichmann testified that he was never an anti-Semite. Nevertheless, six million Jews perished beneath the wheels of the juggernaut whose momentum was never stayed or slackened because of brakes applied by the Eichmanns and the Sixes.

S.S.-Colonel Martin Sandberger also believed that the Führer-Order was legal since Hitler was the "supreme and unrestricted legislator". Sandberger commanded Sonderkommando 1A, of Einsatzgruppe A, in Estonia and also served as commander of Security Police and S.D. in that country for a total of twenty-six months. During that period synagogues were destroyed, Jews were executed and pogroms were incited, but Sandberger denied that he ever committed an illegality. The most he did was to imprison Jews for their own security, he said. What hap-

pened to them after imprisonment can be gathered from a report dated October 15, 1941: "At present a camp is being constructed in Harku in which all Esthonian Jews are to be assembled so that Esthonia will be free of Jews in a short while."

Round-faced and juvenile-looking (he was thirty-six years of age) Sandberger conveyed the impression of someone telling tall stories at a crowded bar. Nor did the tales he related dissipate that impression. He testified, for instance, that he never permitted an execution which had not been preceded by investigation and trial. He said he established a court system of inquiry, appeal, review, and re-review which involved three different courts, made up of twelve persons, including himself.

If there had been the slightest semblance of a trial for the persons executed under his orders, it would not have been difficult to present evidence to support the assertion. The Nuremberg defence lawyers were given the utmost freedom to gather evidence in any country, clime, or habitat, but not one witness appeared, not one document was presented, to support Sandberger's story. Apart from the lack of evidence to substantiate his assertion, it would be absurd to expect that there could have been so elaborate a court procedure to protect the very people scheduled for summary extermination under the precise order which gave Sandberger authority to act at all.

He told us of one case where he ordered eight hundred to nine hundred Jews into an internment camp in Esthonia. Since internment was usually the first step towards execution, I asked him if he investigated before ordering internments. His answers illustrate rather graphically Sandberger's ideas about investigations.

"Did you investigate the cases of any of these eight hundred to nine hundred Jews?"

"Yes."

"How many?"

"I cannot give you the number."

"Why can't you give us the number?"

"I cannot remember this figure."

"Well, was it five hundred?"

"If I must give an estimate, it may be about eighty to one hundred."

"Why didn't you examine the other eight hundred, or seven hundred? Do you think it was fair to examine only eighty to one hundred and not examine the rest? Is that your idea of justice?"

Sandberger was a lawyer. He was trained to think fast. He said he had two reasons why he did not examine all the internees. "One reason is that Stahlecker had urgently ordered a general internment, and I could not evade this." (He never told us the second reason.)

"Why did you evade it for the eighty to one hundred you did examine?"

"There the investigations took place in connection with other cases which were investigated, namely Estonian Communists, with whom these Jewish cases were connected; and, therefore, interrogations had to take place."

This was fast thinking but he did not look ahead far enough.

"Did you examine these eighty yourself?"

*"I personally took no investigations myself."*

On another occasion Sandberger said that in Pskov he herded four hundred and fifty Jews into a concentration camp for their own protection, feeling quite confident, he remarked, that the Führer-Order would soon be revoked. The Jews later fell before firing squads. Sandberger explained that this was not his fault. The execution

occurred without his knowledge and while he was away. This explanation was reduced to shreds under Prosecutor John Glancey's relentless cross-examination.

"You collected these men in the camps?"

"Yes, I gave the order."

"You knew that at some future time they could expect nothing but death?"

"I was hoping that Hitler would withdraw the order or change it."

"You knew that the probability, bordering on certainty, was that they would be shot after being collected?"

"I knew that there was the possibility, yes."

"In fact, almost a certainty; isn't that right?"

"It was probable."

There was another occasion when he was absent and more Jews were shot. Again he pleaded ignorance, but he did not caution the executioner not to do it again.

"In this conversation which you had with him, did you or did you not say to him: 'I don't want you to do this again.?'"

"No, I didn't tell him."

Sandberger's "work" was not hidden beneath the bushel of unappreciation. The citation recommending him for promotion for his "assignment in the East" proclaimed that "he is distinguished by his great industry and better than average intensity in his work".

S.S.-Brigadier General Erwin Schulz could have been a bank vice-president chosen to persuade wealthy depositors into making large investments in the bank's business. Dignified of demeanour, grey-haired and urbane, courteous in speech and manner, he seemed misplaced in the dock sitting between the martial-looking General Naumann and the self-satisfied Professor Six. He was appar-

ently just as courteous and considerate on the execution grounds commanding Einsatzkommando 5 in Einsatzgruppe C, because he performed his executions, he said, "in a serious and dignified manner". He was the officer, as previously stated, who insisted there be no "useless torture". He divided his Kommando into three platoons. "The first platoon was placed face to face with the persons about to be executed, and about three men each aimed at each person to be shot." With a keen sense of delicacy, General Schulz would avert his head as the rifles were aimed. Then, after the volley had been fired, he would turn around and see that "all persons were lying on the ground".

Schulz said that he was trained in the art of nobility because he taught the subject of chivalry at school.

He said that he never killed Jews simply because they were Jews. Admitting that he did kill Jews in an action at Lemberg, Poland, he explained that that action was in the nature of a reprisal because, before his arrival there, five thousand persons had been killed by "Jewish officials and inhabitants". He said that "participants and suspected persons were arrested" and that an order from Hitler required that "guilty persons or even strongly suspected persons be shot".

In summing up the case against Schulz at the end of the trial, Deputy Chief Counsel James M. McHaney devastated Schulz's argument that the Lemberg action was a reprisal action. "Schulz must have known, and undoubtedly knew, that the German occupation forces had no right or reason for the carrying out of reprisals for the killing of Poles and Ukrainians which had taken place before this occupation. These Poles and Ukrainians who were the alleged victims of the Communists and Jews of Lemberg were not members of the German Armed Forces.



They were not citizens of a country allied to Germany; on the contrary, they were nationals of countries which had been attacked by Germany in breach of international treaties and in disregard of International Law. . . .”

It is thus quite evident that the Jews killed at Lemberg were killed only because they were Jews.

Like Sandberger, Schulz sought to escape responsibility for some of the killings charged against him by asserting he was not present. But if the executions were ordered before he left the scene of operation, his absence at the time of the actual firing did not absolve him. The terrorist who sets the clock on a time bomb, conceals it in the cellar of his victim's house, and then departs, is most assuredly absent when the explosion occurs, but his guilt is as absolute as that of the assassin who plunges the dagger.

Schulz's attorney saw in his client a man with a "liberal" attitude toward Jews. Of course, he added, that it went "without saying that he wanted to reduce again the tremendous influence of Jewry in his Fatherland to normal proportions".

It was this "spirit of reduction" which headed the columns of the relentless Einsatz killers as they pursued their bloody way through the Ukraine, the Crimea and other distant parts of the world, reducing helpless men, women and children to dust and the human spirit of the slayers into something that can only make one ashamed that the human race could produce anything so vile.

The defendant S.S.-Colonel Eugen Steimle was not to be outdone by Sandberger in the matter of punctilious observation of the code of civilised peoples in conducting trials and investigations before executions. Tall, long-faced, and lugubrious-looking, Steimle told the Court about his "examinations". He testified that among those

he executed, following examinations, were "active Communists". In order to obtain a concrete illustration of what he meant by "active Communists" I asked him what he would do if he entered a room and found someone advocating Communism to a group of five to ten people. I specified that this speaker was in no way opposing the Germans; only expatiating on the theories of Karl Marx. Would Steimle order such a person shot? Steimle replied: "I would have got a look at the man, and if I was under the impression that he would put his theoretical conviction into deed, in that case I would have had him shot. The actual speech or lecture could not be decided upon theoretically."

I repeated the hypothetical situation: "So that you would listen to the speech and then you would look at him under a microscope, and after this big look, if you thought he might have done something, then you would have him shot. That is what we understand by your answer?"

And to this he answered with a categorical "Yes".

Steimle commanded Sonderkommando 7A, of Einsatzgruppe B, from September 1941 to February 1942, operating in Western Russia between the river Dnieper and the Volga. He admitted that his Kommando carried out between one hundred and one hundred and fifty executions but said that the people executed were partisans, "persons suspected of being partisans", and Russian soldiers who "disregarded our order to give themselves up". He said that Nebe, who was chief of Einsatzgruppe B, had complained that Steimle's Kommando when "fighting Jews so far had not been shooting women and children", and insisted that they had to be "shot likewise".

But Steimle refused to shoot women without a trial or an investigation, he said. And in this connection he told of three girls he had arrested—one a school teacher, an-

other a school inspector; he did not remember the occupation of the third. He related that he seized these girls because "they were about to form a partisan group". He assured us that he investigated the case and then shot the girls. Whether any investigation actually occurred could only depend on Steimle's testimony. He gave no details as to the method of investigation so that it would seem that his inquiry as to whether the girls "were about" to form a partisan group was no more extensive than the one he gave in the hypothetical case as to how he would determine who was an "active Communist". He admitted that he personally commanded the firing squad which ended the lives of the three girls, and assured the Court that the execution was performed in a very humane manner because he saw to it that "three or four men shot at one woman".

Steimle's whole attitude on executions can probably be gathered from the replies he made to questions put to him by Chief Prosecutor Ferencz: "Approximately how many people would you say were killed in September in Velikki Luki?"

"That I cannot say. I have no idea."

"Was it more than one hundred? Was it less than one hundred?"

"I don't know."

Finally, almost jadedly, he said: "I think it must have been less than one hundred."

"Well, you say now that you know that in September you shot people in Velikki Luki and you have no idea of how many people it was. You must remember shooting people."

"I was only in Velikki Luki once or at the most twice."

It was perhaps rather unfair of Mr Ferencz to expect a man whose business was killing to recall just how many

people he had slain in Velikki Luki when he had been there only once or twice. It would be like asking a shoe salesman how many shoes he sold in Oshkosh during a certain month when he had been there but once or twice.

## Chapter Fourteen

**DEFENDANT S.S.-LIEUTENANT-COLONEL** Walter Haensch obviously decided that his best defence was a denial of everything. The cynic who said: "If they catch you with your knife in your victim's heart, deny, deny, deny," could not have had much to teach Haensch. The Einsatz records showed that on January 16, 1942, Haensch arrived in Artemowsk, Russia, to take over the command of Sonderkommando 4A. A report of that Kommando announced that on March 6, 1942, it killed 1,224 Jews. Confronted with this report, Haensch denied that he was responsible for the killings because he didn't really arrive in Artemowsk until March 15, 1942. *What delayed him?* He said that he was held up in Berlin for a dental appointment, a session with a photographer, and a farewell party. It is contrary to all military traditions that in war-time an officer's assignment to an important task could be delayed two months for the trivial reasons related by Haensch. Was Haensch telling the truth?

Lantern-jawed and wearing thick glasses, he seemed to be standing behind an impenetrable mask as he insisted he knew nothing about the massacre. He went further and said he had no knowledge of the execution of Jews under the Führer-Order. He even maintained that his predeces-

sor in command of Sonderkommando 4A never once mentioned the subject of Jews to him. The predecessor was none other than S.S.-Colonel Werner Braune who at no time manifested any particular reluctance in talking about Jews—or in shooting them. Was Haensch telling the truth when he said that the Jew-killing Braune was utterly silent about the matter which was engaging his whole enthusiastic and undivided attention?

"He did not mention Jews at all?"

"No."

"Did the word 'Jew' ever fall from his lips in conversations with you?"

"Your Honour, I don't know now, but I can't imagine, the idea of measures against Jews. . . ."

". . . Did the word 'Jew' ever fall from the lips of Werner Braune when he discussed with you what were your duties as his successor?"

"I don't know, your Honour. I cannot remember."

"Did it or did it not?"

"No. I can't remember."

After taxing the credulity of all hearers on the subject of his conversation with Braune, Haensch sought to stretch the tissue of gullibility even further. Although, according to his own calculation, he arrived only a few days after the massacre of the 1,224 Jews, he said that not a member of the Sonderkommando which performed the butchery ever mentioned the subject once.

"Now, assuming that you were not there when this happened . . . don't you think that at some time or another something would have been said about the execution of these Jews by the very men whom you had now taken over in your command?"

"No, your Honour."

I felt that on a matter of this importance the Tribunal

should not be satisfied with a mere negative response, so I continued the examination: "You have now stated that you have no reason to doubt the correctness of these reports. Therefore, if 1,224 Jews were shot by your organisation before you took over, does it not seem strange to you that in all the time that you were with the very men who conducted the execution, not a word was ever said about so extraordinary a phenomenon as the execution of 1,224 human beings simply because they were Jews?"

Haensch was obviously determined not to be led into an admission, regardless of incongruity. "Your Honour, I can only say, I did not know anything or hear anything about this at the time. In particular I did not know the Führer-Order until the moment here in Nuremberg."

This startling statement that he did not know of the Führer-Order until he was brought to Nuremberg for trial, at least four years after the order had become the byword of every Nazi official, and every S.S. officer and enlisted man, was so palpably a fabrication that I could not abandon the interrogation.

I reminded him that he admitted the correctness of the reports and then asked him for the third time how he could explain the fact that although 1,224 people had been killed by his organisation just before he arrived, nothing was ever said about it to him. "Does that not seem strange to you?"

Though the guns of incredulity might explode in his face, Haensch stuck by them. "Well, your Honour, nothing was mentioned and nothing was said about it."

But Haensch was not so ignorant of executions as he tried to make it appear. Prior to the trial he had written out in his own hand a twenty-five-page statement on his Einsatz services, over eight pages of which were devoted to a discussion of executions and his manner of conduct-

ing them. ". . . I was requested to make statements concerning the number of executions, which in my estimation were carried out by the Kommando according to orders during my time as leader of the Sonderkommando 4B. To this I must state the following: In the absence of records I am no longer able to give such information. An estimated number would lack any basis of fact. For this reason and those reasons as stated above, I cannot give such an estimate."

Haensch's inability even to *estimate* the number of executions performed by his Kommando while he was its chief is practically conclusive, if words have any meaning, that the number was not a small one. There is additional reason for this conclusion. His long, eight-page description of executions reveals a familiarity with mass killings which no one would associate with dilettantism in the matter. Let us look at several sentences taken from his volunteered statement:

The executions were effected by shooting from the nearest sure-aim distance. That distance, as I recall it, was not more than 8-10 paces. . . .

I must once again energetically repudiate the assumption that the shootings were carried out in a mean manner, e.g., in the form of mass shootings by machine gun bursts from a considerable distance or by shooting in the neck or in an otherwise low-down manner. . . .

I myself watched a few executions. Where possible this was done in a manner so as to surprise the execution command by my sudden appearance. . . .

I still remember that the absolutely necessary ensuring of instantaneous death without previous mere wounding was brought up during those discussions, and that it was emphasised to aim at the head as a sure guarantee for instantaneous death.



Haensch said that he never executed a person without first affording him a trial. He declared also that he reviewed the evidence in cases where the army ordered him to perform executions. It developed, however, under cross-examination by Prosecutor Horlik-Hochwald, that Haensch would review cases without any written report on what had happened.

"If you didn't receive a written record outlining the offence committed by the person that you were now to execute, how did you know what was his offence, and how could you review the evidence to determine whether it justified an execution?"

"The facts of the penalty for the crime committed by them were named to the subcommander by the military person ordered to carry it out."

Thus Haensch made no review at all. But how much, in any case, could Haensch be believed? He said that when Streckenbach announced the Führer-Order in Pretsch, he failed to discuss the very enterprise to which he committed Haensch; that Heydrich, who delivered lectures on the objectives of the Einsatzgruppen, was silent about killing Jews; and that Thomas, the actual chief of Einsatzgruppe C, under whom Haensch operated, remained mute on the specific topic of the Gruppe's principal function. One would have to have the most credulous ears that were ever attached to the human skull to accept these disclaimers as true, but Haensch went beyond fantasy when he said that the first time he ever heard of the Führer-Order was when he arrived in Nuremberg for trial!

The short and frail-appearing S.S.-Brigadier-General Heinz Jost, who commanded Einsatzgruppe A in Estonia, Latvia, Lithuania and White Ruthenia, was not so crude in his denials of guilt. He did not ask us to believe

that he never heard of the Führer-Order to kill Jews. He only asked us to believe that he did not *remember* ordering any Jews to be shot.

It is, of course, easily understandable why a person who is on trial for his life, when all other escape is shut off from a most damaging admission, will take refuge in the statement that he does not remember. Still, some credit should be allowed for the listener's ability to reason out realities for himself. Thus, when Eichmann was questioned at his trial what was discussed when the Einsatzgruppen commanders met just before they started out on their expedition, he replied: "I don't know what was discussed." (!)

Using the same technique of oblique response, Heinz Jost, when asked: "Do you recall ever having received a report that Jews were killed by units under your command?" replied: "At the moment I cannot remember that."

Jost was not devoid of natural intelligence and he was by no means uneducated. He studied at the Universities of Giessen and Munich, majored in law and economics, and held office in the District Court in Darmstadt until he became active in Nazi politics. In addition to becoming a Brigadier-General in the S.S., he attained the high rank of Major-General of Police. Could a person with the mental equipment this record indicates, even though calloused to carnage and mass killings, dismiss from his memory the sea of blood over which he moved to his headquarters?

Jost arrived at the encampment of Einsatzgruppe A on the Gulf of Riga on March 29, 1942. Prior to this date the Gruppe had killed one hundred thousand people and as late as March 26 the volleys of its action squads were still echoing through the Gruppe's headquarters. There was no reason for the Einsatzgruppe, only three days before Jost's arrival, suddenly to stack arms, with the Führer-

Order still in full effect. If the firing ceased, it must have been only to give the riflemen a rest while the gas vans took over.

It was also while the defendant Strauch was under the command of Jost that he executed fifty-five thousand Jews. Even if Jost had been as forgetful as Professor Six he could not possibly have forgotten fifty-five thousand murders!

S.S.-Lieutenant-Colonel Gustav Nosske was another absent-minded defendant. He could not remember how many persons he had killed, even though I strove mightily to prod his memory. "We do not ask you to give us a precise figure and then hold you to that figure. That isn't the purpose of the Tribunal at all. We know that memory is a fallible function of the brain, but we also know that memory cannot discard the recollection of horrible events. Now the killing of a human being is the sum total of horror. It is the ultimate in human distress and, whether you are on the receiving end or the giving end of death, it makes its imprint on the brain and on the heart in such a way that nothing can eradicate it. So when we ask you to recall how many people you ordered executed, we don't expect you to give one definite precise, unchangeable figure, and then, if that should vary from another figure, say that it would appear you had purposely lied. We do, however, expect that you can, as a reasonable and rational person, offer some judgment, some estimate, on this very serious business of killing people."

But despite his profound study of economics, banking, and law, Nosske could not recall just how many people had fallen before his firing teams. He could, however, remember, he said, that it was fortunately his lot never to have to kill Jews only because they were Jews. Could this story be believed? He said he was summoned to

Berlin and there given command of one of the first detachments assembled to kill Jews in the East. He set out with motor vehicles, machine guns, sub-machine guns, rifles, carbines and pistols, and took his Kommando directly into a territory heavily populated with Jews—but neither he nor his unit ever fired a bullet at a Jew. But how did he put in the time? Oh, he helped the Russian farmers bring in their wheat; he assigned his men to assisting ethnic Germans; and then on occasion they reconnoitred for partisans.

Jauntily attired in a sports jacket and wearing a butterfly bow tie, Nosske had no trouble in meeting his lawyer's questions—he was answering from a prepared script. However, when questions from the prosecution attorneys and from the bench did not fall within the scope of his anticipated interrogation, he revealed the true state of his feelings regarding Jews. Since he said he had not encountered any Jews in Russia I asked him what he would have done if, armed with the Führer-Order, he had come across five hundred Jews. Would he have killed them? Without any equivocating he replied that if his Einsatzgruppe chief would have been in a position to "reprimand" him for disobedience, he probably would have killed them.

Later on, he said that if he had been placed in such a situation he would have conferred with his conscience, which prompted the question as to what he would have done after conferring with his conscience.

"Now, you are before five hundred innocent people, men, women and children—Jews—and you are presented with this order to kill them. Now, are you going to confer with your conscience and, if so, what is going to be your conclusion?"

"I would have taken it upon my conscience."

"And you would have killed them?"

"I would have probably done it."

But Nosske's activities in mass killings were not restricted to hypothetical adventures. There were moments on the witness-stand when, being carried away by glittering memories of Einsatzgruppen, he punctuated his testimony with reiterated references to shootings and executions, for example: "From the twenty-first of June until the fifteenth of September certainly, because during the time from the tenth to twenty-fifth or twenty-third [of August], the shooting in Bahtschinzy took place and then later on several shootings took place. . . . This territory where the Kommando XII moved was declared Roumanian sovereign territory; certain shootings occurred but we didn't quite know. Our own and other people's reports mentioned this. . . . Of course shootings were carried out, in particular in this whole territory, and shootings were reported about on the principle that not only our own shootings but also shootings by others were reported later on, including events which had been in other territories "

Eventually shooting apparently became so hackneyed an operation for Nosske that there was an occasion when he refused to shoot a certain assemblage of Jews—not out of charity or sympathy but because it meant just that much more work for him. He related how, one day, while following the course of the Dnestr River, in the north of Roumania, he came across an encampment of from seven thousand to eight thousand Jews at a place called Jampol. He made inquiries as to what they were doing there and learned that they had been driven from their home in Mogilev which was on the other side of the river.

Prosecutor Walton asked him: "Now, do you know why these Jews were expelled from their homeland by the Roumanians?"

Lackadaisically Nosske replied: "I have no idea. I as-

sume that the Roumanians wanted to get rid of them and sent them into German territory so that we would have to shoot them, and we would have the trouble of shooting them. We didn't want to do that. We didn't want to do the work for the Roumanians, and we never did, nor at all other places where something similar happened. We refused it and, therefore, we sent them back."

Let the Roumanians do their own shooting!

After his Einsatzkommando service, Nosske was assigned to duty in the R.S.H.A. in Berlin where he received, examined and distributed reports from the Einsatzgruppe units still in the field. I asked him to indicate on the chart of the R.S.H.A., which he had before him, who received the reports on the Einsatz shootings. He replied that "all matters concerning Jewish operations went immediately from the office chief to Office IVB4, Eichmann, which is immediately in the centre of the chart."

I then asked him where the reports which went to Eichmann originated.

"They must have come from the East, either from the Einsatzgruppen or Kommando."

"They came from the field?"

"Yes, certainly."

## Chapter Fifteen

WHILE MANY of the defendants candidly admitted their participation in the executions reported by the organisations they commanded, it was to be expected that some would deny such complicity. In those cases cross-examination, which is the X-ray machine searching for fractures in the bones of truth, played an important part in determining the facts. And we now come to the case of S.S.-Lieutenant-Colonel Ernst Biberstein, who, as an executioner was in a class by himself. He was an ex-clergyman.

While most of the defendants had not forbidding personalities, at least two of them really looked as they would be expected to look in a Hollywood representation of their characters. These men were Ernst Biberstein and Paul Blobel, who could vie with one another for honours in inelegance. In such an unsavoury contest Biberstein would probably win because he had travelled farther than Blobel in the transformation from educated decency to unrestrained depravity. In court he wore a black shirt which throughout the trial gave no evidence of much laundering. His suit hung on him like a rag bag.

Biberstein was ordained a minister in the Lutheran Presbyterian Church and held a pastorate in Schleswig-Holstein from 1924 to 1927, succeeding by a similar post

in Kaltenkirchen until 1933. He then became presiding minister of the Provincial Protestant Church in Bad Segeberg, Holstein. While so engaged in the house of the Lord, he saw nothing unseemly about slipping out of the back door to participate in Nazi meetings where the prevailing doctrine differed from what he was presumed to be preaching in the pulpit. Later, he joined the Nazi party, and in 1938 he formally separated himself from the church. However, before he took off his clergyman's robe, he joined the S.S. He then went the whole way and accepted office in the dreaded Gestapo which regarded the concentration camp as an ideal substitute for the church, and *Mein Kampf* as an improvement over the Ten Commandments.

In September 1942, at Rostov, on the Don River, he took charge of Sonderkommando 6, Einsatzgruppe C.

Prior to taking the field against the Jews, he had cooperated with Eichmann in working on the Madagascar plan, but, when that project was abandoned, he experienced no regrets because it was vague and chimerical at best. Now, with executioners at his command, there could be no doubt about his making a positive contribution to "solving" the Jewish problem.

In a sworn statement made prior to the trial, Biberstein stated that from September 1942 to January 1943, his Kommando killed from two thousand to three thousand people. At the trial he challenged the correctness of his total but refused to name any other figure.

Prosecutor Horlik-Hochwald thought that I allowed Biberstein too wide a latitude in presenting his defence. But, considering the gravity of the charges and, if convicted, the solemnity of the penalty this ex-minister of the gospel faced, I felt I could not open the doors of defence evidence too wide. Thus, in addition to allowing him maximum scope in introducing evidence on his behalf, I ruled



that the prosecution should exhibit to him, if he desired to see it, all documentary evidence that had been gathered in his case. Mr Horlik-Hochwald protested: "I don't know that the International Military Tribunal has ever ruled that the prosecution has to submit documents which are in favour of the defence."

I ruled: "If the International Military Tribunal did not so declare, this Tribunal will declare that whatever the prosecution has which is favourable to the defence must be submitted."

"If your Honour please, I don't want to challenge this statement. I only wanted to explain here that the International Military Tribunal ruled, nothing else. I did not want——"

"Well, if the International Military Tribunal said that, this Tribunal overrules the International Military Tribunal, because it is not in accordance with the principles of justice that either side may withhold anything which may shed light on the issues before the court."

Biberstein took full advantage of the privileges accorded him. Having seen the prosecution's evidence which outlined the territory in which he operated, which was an area covering sixty thousand square kilometres, including several large cities, he said that although he travelled throughout that region with his Kommando, he not only did not kill Jews; he never even saw a Jew! He also professed complete ignorance of the Führer-Order and said that the leader of his Einsatzgruppe and his comrades not once even talked about Jews.

"In all your conversations with him [the Einsatzgruppe leader] he never mentioned that Jews were to be killed?"

"No. My conversation always dealt with certain subjects."

"And he never mentioned Jews."

"No, we never talked about this kind of task as I already explained."

"And your brother Kommando leaders—they never talked about Jews?"

"Well, we never had any reason to do this. I only met other Kommando leaders who were leaders in Perpape-trowsla and in Stalino, where I spent the night on my way from Kiev to Rostov."

"And in your conversations with them nothing was ever said about killing Jews?"

"I never talked to these men about their tasks and their activities because I was inexperienced in that and I did not like to show any inexperience constantly."

"And they never mentioned Jews?"

"No, we talked about quite different subjects."

In view of Biberstein's history, these statements overshoot the sphere of belief, but it was not enough merely to assume incredibility. A witness's believability has to be tested. Since it is the responsibility of a presiding judge, by continental standards of court procedure, as already stated, to ascertain the facts, and to delve into motivations behind certain answers in order to get at the truth, I felt the need to question Biberstein for the purpose of determining on what scale of reliability his answers could be weighed. He had said that when he commanded the Gestapo in Oppeln, he did not order a single person into a concentration camp. I asked him if he had ever recommended the commitment of anyone to a concentration camp. He replied that he did not remember.

"Well, would you say definitely that you did not?"

"As far as I know, I never did that. I would have remembered now."

"Well, you put it in a negative fashion. You say you

don't remember. That includes the possibility that you did send someone."

"I want to exclude that possibility."

"You say now that you definitely remember that you did not send anyone?"

"Of course, this is a very difficult matter. I have to think about this and it takes time to think it over, and I have thought about it, and I cannot remember any case. Therefore, nobody would have been sent."

"Well then, do you say definitely you did not send anyone to a concentration camp or recommend that anyone be sent to a concentration camp?"

"Well, I say I do not know of any case."

"Well, that means then you did not send anyone?"

"Yes."

"Why didn't you say that at the very beginning instead of putting us to all this trouble of questioning you to finally get that answer? Why did you first say you didn't remember?"

"I had no reason. I just wanted to be careful."

"Well, aren't you careful now?"

"Yes, I think I am."

"Well, tell us very definitely, did you or did you not, during the whole year that you were in charge of the state police, recommend that anyone be sent to a concentration camp?"

"As far as I know, no."

"Now, we are back where we started from."

If Biberstein's answers professing a child's innocence to concentration camp commitments were incredulous, his replies to questions as to how he discharged his duties as a Gestapo chief were at least "wondrous strange". Having in mind the savage attitude of the Gestapo organisation towards all those who dared to voice opposition to

the Nazi régime, I asked Biberstein what he would do as a Gestapo chief if he learned that someone in his district had said he hoped Germany would lose the war because it was an unjust war anyway.

Essaying the voice of the most indulgent schoolma'am, Biberstein replied: "I would have asked the man to come to me and would have told him to hold on to his own views keep them to himself and just would have warned him."

Giving the defendant the benefit of the doubt that there could be a moment that a Gestapo chief would forget his training, which taught him to crack the skull of anybody who would dare to say that Germany could not defeat the whole world, I now put a little stronger question: "You are on your way home one evening from the office and someone comes up to you and tells you that he overheard Hans Schmidt inveigh against the Germany Army, the German Government, Hitler and the whole National Socialist régime. . . . What do you do?"

He replied: "Nobody would have done this, I don't think."

I said: "Well, let us suppose someone did. Peculiar things happen."

But even here, Biberstein would still be the indulgent schoolma'am. "I would have told him, 'Don't talk about it. Keep it to yourself, keep it quiet.'"

Since it was obvious now that Biberstein had determined to make himself the most indulgent, kind and sweet Gestapo chief that could ever be imagined, I increased the voltage of the provocative hypothesis: "Well, let's go a little further. This man who stops you on your way home says: 'By the way, I just found out that there is a plot on here to kill Hitler. I heard the men talking about this; I know the house in which they gather; I saw some bombs being taken into the house and I want you

to know about this, Herr Biberstein.' What would you do?"

Even this would not awaken the sleeping lion in Biberstein's breast. He replied: "I would have told him, 'Go to Official So-and-So and report it to him.'"

"And you would have done nothing?"

"Whv, what could I have done? I didn't know what to do. I had no police directives."

I now summed up: "So your big job was to keep quiet, keep invisible, and avoid people telling you about plots against Hitler. That's the way you put in the whole year."

"Yes, about this plot against Hitler I don't quite understand. I said if any thing like that came up I would have told this man who told me to report this to the police official. He would be interested in this."

"You would not be interested?"

"No, when I say: 'Go to him,' that is, then I had done everything that was necessary in my opinion because I can't arrest the people."

"And you would go home feeling fine and entirely content that you had done your duty to your Führer?"

"Yes, the official would then deal with it. I wouldn't know what to do concerning police matters."

Although Biberstein was too considerate to send any one to a concentration camp and of too forgiving a nature to arrest anyone who was plotting to kill Hitler, he somehow found no difficulty in adjusting his sensibilities to the point where he could witness two executions just for the experience of seeing people killed.

"You didn't know before you witnessed the execution that you would have a feeling of revulsion against executions?"

"Of course not, your Honour, for, before, I had never seen an execution."

"So you had to see an execution in order to know that it offended against your sentiments?"

"Yes, I had to see what kind of an effect this would have on me."

Biberstein not only witnessed these executions; they were performed under his orders. He signed many death warrants but he said that he never imposed the ultimate penalty without first being certain, by investigation or trial, that the victims deserved their doom.

For many hours on the witness-stand he double-talked, evaded, denied and dissembled, his bustling brain ever seeking answers which would avoid incrimination and admission of guilt, but in a careless moment truth leaped the barrier of his conscious lips, and he openly confessed to murder.

Fifty persons were killed in the first execution he witnessed, fifteen in the second. I asked him whether he conducted investigations to determine the guilt or innocence of these sixty-five persons. He said that he did not see the files of these sixty-five cases, but he did know that he had given orders to his Kommando to investigate cases.

The interrogation continued. "You do not know of your own knowledge that these cases were investigated? These sixty-five deaths?"

"I did not see it."

"No. So, therefore, you permitted sixty-five people to go to their deaths without knowing yourself whether they were guilty or not?"

"I said that I only made spot checks."

This introduced something novel into the field of spot-checking. One may spot-check potatoes in a barrel to determine generally if they are fit for consumption, and a motion picture director could understandably spot-check

every fifth "extra" to be certain that all the "extras" are wearing the proper costume for a certain scene. But to question or investigate only every fifth or sixth person in an assemblage of sixty-five to ascertain whether the entire sixty-five should be killed is a startling innovation in testing procedure. But tragically inadequate as a spot-check would be to save innocent persons from an unjust death, Biberstein did not accord these sixty-five pitiful captives even that minimum of protection.

"Did you make any spot-checks in these sixty-five?"

"Not among these sixty-five."

"Then we come back to the conclusion that you permitted sixty-five people to go to their death without even a spot-check?"

"Without having made a spot-check, yes."

Thus, Biberstein acknowledged in open court that he sent sixty-five persons to their death and watched them die with no evidence of guilt against them. The records, however, disclosed that he killed many more. Thousands of murders were on the soul of this man who, while admitting that his victims had souls, treated them as few human beings treat the most wretched beasts in the animal kingdom.

Since Biberstein had been a minister of the gospel, I asked him if he offered religious comfort to those he was about to kill. He replied that it would be "tasteless" to do so.

"Do you think it is bad taste at any time to talk about God?"

"No, your Honour."

"Well, now, here is a man who is going to be shot; he is going to be killed."

"Yes."

"He is going to pass out of existence. You are the pastor,

or were a pastor. You are religiously trained. It didn't occur to you to say a comforting word to this individual who was starting on this long journey?"

"I had no opportunity to do this. If I describe this to you you may understand it, your Honour."

"Well, I am giving you a chance to describe it. You were the Kommando leader. Why didn't you have the opportunity to talk to these individuals and give them a word or two of comfort?"

"I could have got that opportunity any time, yes."

"Well, why didn't you do it?"

"Your Honour, if somebody had come to me I would not have rejected him, but to force myself on somebody, that is not my way."

"Well, would you be forcing yourself on an individual who is about to be executed, to tell him that he would soon be standing before his God, and to have strength in this final moment? Would it have been so difficult to do that?"

He explained that the prisoners were Bolsheviks and "one should not throw pearls before swine".

"Did you think that, because they were Bolsheviks and had been fighting Germany, they did not have souls?"

"No."

"You did believe they had souls then, didn't you?"

"Of course."

"But because they were of the attitude which you have expressed, you did not think it was worth while to try to save these souls?"

"I had to assume that these were atheists. There are people who do not believe in God, who have turned away from God, and if I tell such a man a word of God, I run the danger that the person will become ironic."



"Well, suppose he did become ironic, that could not be any worse than the fact that he was going to be killed rather soon. Suppose he did become ironic, how did that harm anyone?"

"These things are too sacred to me that I would risk them in such situations."

He testified that he still had love for his fellow-man, and I asked him: "Do you think that you demonstrated that 'love of fellow-man' by letting these people go to their deaths without a word of comfort along religious lines, considering that you were a pastor? Did you demonstrate there a 'love of fellow-man'?"

And his unblushing answer was "I didn't sin against the Commandments of Love."

A fairly good idea of Biberstein's concept of human love can be gained from his statement that, as between inflicting death by firing squads and by means of the gas vans, he preferred using the latter because he found that the gas vans "were more *pleasant* for both parties".

It is astonishing how Biberstein and other defendants employed the name of the Deity in relating stories which could possibly hush in wonder the Ultimate Court when It considers the deeds of man on earth and the judgments to be pronounced. Ohlendorf, for instance, defined "freedom" as "the voluntary ties of the individual, the motives of his will and actions, the obvious will of God, in nature and history". The defendant Heinz Jost said: "The Jewish people have their right as a part of God's creation in exactly the way that the German people, too, have their right to live." The defendant Erwin Schulz said: "In my sacred duty to serve my Fatherland I never forgot my duty towards humanity." The defendant Adolf Ott was pleased to declare: "All my actions have been guided by reason and humane compassion." The defendant Walter

Haensch declared: "Nobody can disturb the peace of my conscience."

I can still hear in my mind these voices and the voices of other defendants in Court uttering pious statements about God, conscience and humanity, as I recall the testimony with its narratives of events which stained every cloth on the altar of God and plumbed the deepest depths of barbaric cruelty and unrestrained savagery.

## Chapter Sixteen

IT IS TO BE DOUBTED that one could find at a casual reading table of a public library as many educated persons as were gathered in the defendant's dock of the Einsatzgruppen Trial in Nuremberg. We have seen that among the men captaining the various extermination units were lawyers, a university professor, an architect and an ex-minister. The list also included a graduate economist, a dental physician, a business man, a government clerk and an expert on art. The roll call was further embellished by the attention-arresting name of Heinz Hermann Schubert, who traced his ancestry back to kinship with the venerated composer of the *Unfinished Symphony*.

In this prodigious collection of human beings there was even a professional opera singer, S.S.-Major Waldemar Klingelhofer, whose death-mask face could have allowed him to sing the part of Mephistopheles in *Faust* without make-up. The aria he sang in the Palace of Justice at Nuremberg, however, was hardly a melodious one. For two and a half years, Major Klingelhofer had travelled martially with Einsatzgruppe B as this highly efficient slaying organisation chanted its dirge of blood through Smolensk, Brest-Litowsk and other parts of Western Rus-

sia. During this period the Gruppe killed tens of thousands of Jews, gypsies and "asocials".

Although Klingelhoef er did his part in upholding the vigour of the Führer-Order under whose banner he marched and slew, he testified that he really felt an "inner reaction" against the order. What was the nature of this "inner reaction"? The episode of Tatarsk, a city one day's journey from Smolensk, answers the question. He testified that when he learned that thirty Jews had left the ghetto in Tatarsk and had returned to their homes without permission, he ordered them shot. The gasp of hurt amazement which shot through the courtroom at this cold-blooded recital of killing people for the most natural act in the world of going home seemed to stir Klingelhoef er into offering more convincing explanation. He hastily added that before ordering the death of the thirty men he made an investigation and found that these men, through the intervention of three women, had given assistance to partisans. He was asked if he knew as a fact that the Jews had co-operated with the partisans. He replied that the men had had "mental contact" with partisans. I inquired if he meant by this that there had been no physical contact with the partisans.

He acknowledged that there had been no such contact. "Not physically but mentally, your Honour."

"Mentally, yes. And the only contact they had was through these three women?"

"Yes, through these three women."

"All right. So, therefore, the only evidence you had upon which to kill these thirty Jews was that they had mentally communicated with the partisans and they were in their homes mentally determined to resist you. That's the evidence you had, isn't it?"

That indeed was the evidence. And on this "evidence"

he shot not only the thirty Jews but the three women as well. However, it must be said in his behalf that he did accord the women chivalrous courtesies. He said: "I gave the N.C.O. the directive to separate these three women from the men to be shot, and to carry out the execution in an orderly manner. I asked the N.C.O. to have them blindfolded, and that the women should be shot blindfolded."

He added a special concession. He had the women buried in a separate grave.

Of course, it is obvious that there was no justification whatsoever in law for this execution and that the victims were killed only because they were Jews. Under vigorous cross-examination by Chief Prosecutor Ferencz, Klingelhoefcr finally conceded as much:

"Then whether he did or whether he did not violate the directives he was killed. If he stayed in the ghetto and if he left the ghetto he was killed. If he contacted the partisans he was killed. If he did not contact the partisans he was killed. No matter what a Jew did he was killed, is that correct?"

"Yes."

Klingelhoefcr was the man who led the expedition to obtain fur coats, an event already briefly mentioned. In describing this venture Klingelhoefcr said that the Jews from whom he got the fur coats were arrested by order of Hauptsturmführer Egon Noack, but that "the executions proper were carried out by Noack under my supervision". He said further that "it could be assumed that the Jews, owing to their good living conditions which they had in the U.S.S.R., possessed winter clothing; in fact, so much of it that a seizure for the purposes of the occupation forces would not matter to them very much".

In that statement he was undoubtedly correct because

it could not matter "very much" to the Jews who were killed what was to happen later to their winter clothing.

Despite Klingelhoef's alleged "inner reaction" against the Führer-Order he served in the Einsatzgruppen for thirty months, making no effort to be relieved of his assignment.

"You never told Naumann that you wanted to get out of Einsatz headquarters, did you?"

"No, because there would not have been much point in it. He would not have released me."

"How do you know he would not have released you?"

"I know that he would not release me. I knew that quite well, because I was a special expert speaking Russian perfectly and knowing the conditions. Therefore he could not do without me."

A measure of Klingelhoef's credibility can be gathered from the following occurrence. Prior to the trial he had been interrogated by an Allied investigator, Mr Wartenberg, and his replies had been reduced to writing. The transcript of that interrogation contained no reference to the three women he admitted at the trial he had killed. I inquired if Mr Wartenberg hadn't asked him if he had killed women and children. He said that Mr Wartenberg did ask him that question and that he told Wartenberg he did not kill women and children "on principle". He said he remembered this well because he had in his mind the "picture of the two hundred women and children" he had led back into the ghetto.

He spoke this with some bravado. I asked: "Did you remember the picture of the three women standing before these ten men out in the woods, ready to go to their Creator, with their graves dug close by? Did you remember that picture?"

He coloured slightly and then, recovering self-assur-

ance, explained that at the time of the interrogation he was excited. In addition, he said, he was depressed over the fact that Germany had lost the war. His testimony on this point is interesting:

"Would you have been very happy if the Reich had succeeded in its aims of the conquest of Europe?"

"Your Honour, I don't know whether the aims of the Reich were to make conquest of Europe. I don't know that. But, of course, I would have been happy if Germany had won the war. That is quite natural."

"You would have been happy if Germany had won the war, even at the expense of its present condition—two million Germans killed, the nation in utter ruins, and all of Europe devastated. You would have been still happy if Germany had won the war?"

"Yes."

"Would you?"

"Yes, well, that is quite natural. That is a matter of course."

S.S.-First-Lieutenant Heinz Hermann Schubert, who self-satisfiedly told us that he was a descendant of Franz Schubert, wrote a tragic score for the *Marche Funèbre* played by Einsatzgruppe D in the Crimean Peninsula. He served as adjutant to Otto Ohlendorf from October 1941 until July 1942, and during that period lived the whole gamut of this organisation's activities, since he handled its orders, assignments to executions, and reports to Berlin on the results attained.

Rather stalwart in appearance and wearing a military uniform adorned with a high velvet collar, he affected a startled attitude that he should be charged with anything at all suggestive of crime. His position in the Einsatzgruppe was only administrative, he said, and therefore no

guilt could attach to him for what the organisation did. But Schubert's guilt began when he voluntarily joined the lawless S.D. and S.S. which were committed to unrestrained felony, and his guilt intensified when he unprotestingly and willingly participated in the obviously criminal performances of Einsatzgruppe D.

While it cannot be legally questioned that the man in the robber gang who does the book-keeping and enjoys the forbidden fruits of the gang's misdeeds is as guilty as those who hold up the banks, Schubert's lawyer argued that his client's case was different. He failed, however, to show how it was different. Schubert was not merely book-keeper of an organisation bent on violence and lawlessness without limit; he did not live in a paper world. He rode with the assassins in one of the biggest and strangest mass murders committed by Einsatzgruppe D—the massacre at Simferopol, which needs a description of its own.

One reads with uneasy spirit of the French Reign of Terror when the guillotine blade in the public square rose and fell like a village pump handle. One turns sadly the black pages of history recording the St Bartholomew Massacre, the martyrdom of Christians in the Colosseum and the Armenian Slaughter. To these melancholy classics of carnage must be added the Christmas of Simferopol, as described at the Einsatzgruppen trial in Nuremberg.

In the early part of December 1941, the commander of the German Eleventh Army operating in the Crimea informed General Ohlendorf that it was his wish that the Jews and gypsies, of whom there were about ten thousand in Simferopol, be killed before Christmas. The order did not consternate Ohlendorf. On the mystic chords of memory no echo resounded in his ears of the Christmas carols he had heard in childhood, nor did he recall the



message of Peace on Earth, Good Will toward Men. He transmitted the order to S.S.-Colonel Werner Braune, commanding Einsatzkommando 11B, who, also, saw nothing incongruous in the prospect of mingling blood with the evergreen of Christmas trees and the golden recollections of the yuletide.

The only difficulty which confronted Braune was that he lacked enough men and equipment for so accelerated an action. However, he would do his best. He called on the army commander and explained that he wished to abide by his wishes but that he needed some assistance. Could he have a few men, some extra rifles, and enough ammunition to finish off ten thousand people? The army commander saw nothing unreasonable in the request and gladly promised him enough personnel, trucks, rifles and cartridges to accomplish the job.

. And it was done. By Christmas the Jews and gypsies, ten thousand of them, were lying in their graves.

In describing the operation, Colonel Braune almost cheerfully testified: "It took place under my responsibility. Once I was at the place of execution with Mr Ohlendorf and there we convinced ourselves that the execution took place according to the directives laid down by Ohlendorf at the beginning of the assignment."

Prosecutor Walton wished to know why it was necessary that the slaughter be done before Christmas. Braune did not know exactly. "I wasn't able at the time to find out all the reasons. Maybe the reasons were strategic reasons; military reasons, which caused the Army to issue that order. Maybe they were territorial questions. Maybe they were questions of food."

It was enough for Braune that the men, women and children should die. However, holding high the never-drooping standard of Einsatz gallantry, he saw to it that

the killings were performed humanely, that is, humanely for the *executioners*. Lieutenant Schubert, who managed the gypsy sequence of the scenario, joined Braune in this splendid demonstration of humanitarianism.

He testified: "I know that it was of the greatest importance to Ohlendorf to have the persons who were to be shot killed in the most humane and military manner possible because otherwise—in other methods of killing—the moral strain [*seelische Belastung*] would have been too great for the execution squad."

He explained further: "I took care that the condemned persons were not beaten while the loading was going on." He also saw that the robbery of the victims would be accomplished without violence. Of course, he did not use the word "robbery". For him it was entirely legal. He phrased it in this manner: "I convinced myself that the collection of money and valuables of people to be shot was not done by force, etc."

Schubert, also, did not know the reason for the Simferopol executions but he was satisfied that it was proper. "I did not know why the individuals were being executed. It is possible that there were persons among them who because of some special examination were being executed. As for me, in general, however, I was certain of one thing, that this was an execution based on the Führer-Order."

At last the masterful job was done and Christmas was at hand, but the executioners were depressed, not because of the slaughter but because they now feared for their own lives. Braune testified that they apprehended the danger of falling into the hands of the Russians, now staging a counter-attack. The grim death mask, behind which they had performed the gory deed with laboratory efficiency, now turned its ghastly features on them. Consternation reigned; the executioners' guns might be directed against

the executioners. However, the danger passed, rubber knees straightened, and the relieved assassins gathered to jubilate on the most joyous day of Christendom. Since they were as defiant of God's Commandments as they had been contemptuous of man's legal code, I wondered on what basis they celebrated the Natal Day of Christ. Braune said that over the food and drink Ohlendorf made a speech.

"And did he talk on religious matters?"

"I cannot give any details of the words any more. I don't know whether he mentioned Christ, but I know Herr Ohlendorf's attitude on all this."

"What was his attitude as he delivered his speech? What did he say that was of religious significance?"

"Your Honour, I really cannot give any details any more."

"Did anybody offer prayers on Christmas Day 1941?"

"Your Honour, I do not know. . . ."

"Were any prayers offered for the thousands of Jews that you had just killed. . . .?"

"Your Honour, I don't know whether anyone prayed for these thousands of Jews."

Schubert also did not know whether anyone had prayed for the Jews and the gypsies who were slain. He did remember specifically, however, just how the killing was done. He testified with a stoicism which harmonised with his awesome uniform, but which clashed with the tender sentiment his illustrious name inevitably evoked, and which he so unworthily bore. He related how the executioners fired their rifles and machine pistols at the heads of the doomed who, receiving the shots, toppled into the ditches by which they stood.

No matter how often these terrible scenes were described, I always ached inwardly at the horror of them, but what perennially froze my blood was the realisation

of the possibility that some victims did not die at once but fell into the ditches alive, and then only slowly expired in agony, pain, terror, loneliness and despair covered with dirt, water and other bodies, blinded by pain, tormented by desolation, and tortured by the realisation of what man can do to man.

I asked Schubert: "Do you exclude the possibility that a rifleman might have aimed badly and as a result the victim would receive only a shock; he could have been knocked unconscious by the bullet but not actually be dead so that to the casual observer he would seem to be dead although in fact his heart was still beating?"

"Your Honour, I cannot exclude such a possibility."

Schubert knew that the killings were based on the Führer-Order and he knew that the Führer-Order directed a gargantuan crime. He was part of that crime, but his attorney, Dr Koessel, in presenting Schubert's case to the Tribunal, argued there was nothing criminal about his action. "What did Schubert actually do which was criminal?" the attorney asked. And then he answered his own question: "Schubert first goes to the gypsy quarter of Simferopol and sees them being loaded aboard and shipped off. Then he drives to the place of execution, sees the rerouting of traffic, the roads blocked off, persons being unloaded, valuables handed over, and the shooting. Finally he drives back once more along the way to the gypsy quarter and there again sees them being loaded aboard and carried off, and then returns to his office. That is what he did."

Dr Koessel's argument brought to mind Pope's quatrain

Vice is a monster of so frightful a mien,  
As to be hated needs but to be seen;  
Yet seen too oft, familiar with her face,  
We first endure, then pity, then embrace.

In preparing Schubert's defence, Dr Koessel apparently came so close to the Gorgon face of the Einsatzgruppen and became so accustomed to it that he failed to see the malignity that its hideous lips commanded.

What had Schubert done that was wrong? He had directed an execution of human beings who happened to be gypsies; there was no assertion anywhere that these gypsies were guilty of anything but being gypsies. He had made every effort to have the massacre conducted clandestinely; he had controlled the shuttling of twenty-five trucks which loaded the gypsies at the assembly site, transported them to the field of death, and returned for fresh loads. He had directed the despoliation of their private property and then had "supervised the actual shooting". He also admitted that he would have intervened if things were not going "well".

And yet Koessel asked, What is wrong about that? Koessel failed to realise that Schubert was taking an active part in mass murder—a mass murder in which he not only helped with the planning but took an active part in its sanguinary fulfilment.

## Chapter Seventeen

S.S.-MAJOR WALDENIAR VON RADETSKY was another defendant who not only denied having killed Jews but asserted that he did not even know that Jews were being killed. Von Radetzky served for fifteen months with Sonderkommando 4A, the unit headed by Paul Blobel, who made of it during his incumbency one of the goriest in the history of the Einsatzgruppen. Von Radetzky's explanation for his ignorance of all this bloodletting was that he devoted his entire time to writing reports. Of course, reports were indeed prepared. In fact, the prosecution's case was mostly based on reports made by Einsatz leaders. But Von Radetzky said his reports had nothing to do with executions since he was interested only in the scenic, cultural and economic aspects of the country in which his organisation operated. One might assume, if Von Radetzky were to be believed, that his Kommando was engaged in a scientific expedition studying the flora and fauna of the land, gathering data on agriculture and economy, and somehow forgetting the homicidal undertaking to which it was committed under the Führer-Order.

Since Radetzky was the next highest ranking officer to Blobel in Sonderkommando 4A, did it not occur to him to

ask why blood was seeping in under his tent or why so much of it besmeared the landscape which he studied for his reports on vegetation ?

In an effort to minimise his importance in this mass-killing business, Radetzky testified that he was brought into Einsatzgruppe C as an interpreter because he was born in Moscow and therefore knew the Russian language. Later, however, he said that since his Kommando operated in the Ukraine he was of no use as an interpreter. He testified that he reported on agriculture, industry, trade and "cultural questions". "My main attention went to questions of economy because that was something I knew something about."

I asked him if, in reporting on economy, he would have to know about the Jews. He replied that he did know about them.

"And when you reported on economy you had to report on the Jews who were being executed, didn't you?"

"No, your Honour."

"If the Jews in any given territory were executed, it would seriously affect the economy of that territory, wouldn't it?"

"Your Honour, the whole economy of the Ukraine was in a very bad state at that time."

"Please answer the question. If the Jews were executed in any given territory, that mere fact would have a very grave effect on the economy, wouldn't it?"

"Certainly, your Honour."

"Then in making a report on the economy you would have to say: 'Because of the depletion of the labour supply due to the execution of Jews, a certain situation has resulted.' You would have to say that, wouldn't you?"

"Your Honour, all these questions concerning Jews were

merely the sphere of activities of Departments III and IV, and I did not report about these activities."

"You did not answer my question. Making a report on the economy you would naturally have to talk about labour, and if a great number of those constituting the labour element were executed, that would affect seriously the economy of the country on which you were reporting, and you would need to include that in your reports, would you not?"

"The situation which we found, your Honour, was that the entire economy had been ruined and had to be built up. There was no shop in which you could buy anything."

"The economy wasn't helped by shooting off further labour supply, was it?"

"No."

"Did you make this statement in your reports, that because Jews were being killed—and the labour market was thereby being affected adversely—the economy was made worse? Did you report that?"

"As far as I remember, I reported about the fact that the Jews in the Ukraine constituted an essential part of trade."

"And did you report that Jews were being decimated?"

"No, your Honour."

"You didn't put in any report that Jews were being decimated?"

"No, your Honour."

"You didn't put in any report that Jews were being killed and this affected the economy of the Ukraine?"

"No, in this shape I did not report about it. I only reported about the fact that the Jews were an important economic potential, but I did not report to the effect as you mention it."

"You say that you reported that the Jews were an



important economic potential and you say that you did include in your report the statement that the Jews constituted an important economic potential. Did you then add that this important economic potential was rapidly disappearing because of the executions?"

"No, your Honour, I did not report that."

"And yet you want to tell the Tribunal seriously that you made a report on the economy of the Ukraine?"

Without the slightest abashment and without any attempt at a long explanation he affirmed with a single, categorical "Yes".

Although he had begun his testimony with the statement that he was brought into the Einsatzgruppen because of his knowledge of languages, he now saw from documents which had been introduced in evidence that the interpreter's role would not necessarily isolate him from knowledge of executions, because executions very frequently followed investigations in which interpreters were used. Thus, although he finally admitted that he spoke and understood the Ukrainian language, he said that he was not called upon to translate during examinations because his work day was filled up with the job of being an expert in the S.D., which was Department III.

"Well, how did you become an expert in the Department III? You had not had S.D. training."

"No, I did not have that, your Honour. I said——"

"Well then, how did you become an expert so quickly?"

"I was appointed for this because of my training in economics and my knowledge of languages."

"Well now, we come back to languages again. If you were appointed because of your linguistic accomplishments and your commanding officer needed an interpreter, why wouldn't he naturally turn to you who were already known to be a good translator and interpreter?"

"Your Honour, there were other interpreters in the Kommando, and the Commander used these interpreters."

"Then you were not used as an interpreter?"

"I was never used as interpreter by the Commander. I was never used in interrogations as interpreter, either."

Since Radetzky was an interpreter who did not interpret and a report writer who made no report on executions (the principal activity of his organisation), he perhaps felt obliged to explain how he put in his time. He offered to fill in the hiatus by stating that he was supply officer, obtaining food and fuel for the Sonderkommando. I asked him if he also ordered the ammunition used by his unit. He replied: "I don't remember."

"If you remember food and fuel, you can remember whether you ordered ammunition or not. Did you order ammunition?"

"No, your Honour."

He saw, of course, that an admission on ammunition would be an admission of knowledge about executions.

"Do you remember now very definitely that you did not order ammunition?"

"Yes."

"Why did you say just a minute ago that you did not remember?"

"Your Honour, perhaps my expression was misused or came through the wrong way. I said I did not remember ever having requested ammunition."

"Well, that is the way it came through. Now, do you or do you not remember having ordered ammunition for your Kommando?"

"No."

". . . Do you say now definitely that you did not order ammunition?"

"Your Honour, I am certain that I would remember if ever I had obtained ammunition for the Kommando."

"And you say you did not order ammunition?"

And now, apparently in order to play it completely safe, he answered both ways: "No—yes."

One of the reports (not Radetzky's) described a conference held between officers of Sonderkommando 4a and those of rear military headquarters on September 10, 1941, where a decision was reached to "liquidate the Jews of Zhitomir radically". As a result of this conference 3,154 Jews were executed. Radetzky denied having attended the conference but admitted that he supplied trucks for the action which he said he thought was for "resettlement" of the Jews in Rowno. It did not require a doctor of philosophy or Professor Six's education to know that, when the word "resettlement" was mentioned in connection with Jews, it meant liquidation. Prosecutor Hiorlik-Hochwald questioned Radetzky.

"What happened to these Jews in Rowno?"

"According to the order which I received at the time it said that they would be resettled there."

"Were they to be killed there, Mr Radetzky?"

"Nothing was said about this."

"Is it not a little illogical? We have just discussed a document a few minutes ago which shows that the Jews in Rowno were killed and now you tell the Tribunal that in order to get new Jews in Rowno they were to be sent from Zhitomir and don't you think that this is a little bit illogical?"

"Mr Prosecutor, I on my part always hoped that this problem would be regulated differently than it was regulated in other cases."

Radetzky's mental acrobatics on the witness-stand were phenomenal. In meeting his insistence that he never com-

manded an execution unit, the prosecution introduced an official document taken from Einsatzgruppen personnel files which spoke of Radetzky's promotion. It also carried the statement: "During the advance, in the summer of 1942, S.S.-Hauptführer Von Radetzky was put in command of a 'Teilkommando'." Radetzky said that the document correctly reported his promotion but incorrectly reported his commanding a Teilkommando.

"How can you explain that it could be so accurate and so prophetic as to bring about your promotion as of the ninth of September . . . and yet it be incorrect in so far as the statement about your commanding a Teilkommando?"

"Your Honour, I do not say that it is a mistake; I say it is an error, and I must try to clarify this error."

". . . The hairbreadth distinction between a mistake and an error is one which requires stronger glasses than I use. Now, tell me, what is the difference between a mistake and an error?"

"A mistake is an absolute incorrectness and an error is, in my opinion, an involuntary incorrectness, that is, a mistaken representation."

Radetzky was clever enough to realise that his shifting answers, evasive responses, and purposeful distortions of intent, when persisted in at length, could not increase his credibility. Perhaps, then, in an effort to add measure to his dwarfing figure of believability, he said that it was impossible that he could have participated in a programme of racial extermination since he was a humane person. To prove this postulate he said that when his Kommando was stationed at Charkov in the Ukraine he had brought in three hundred tons of food to save the starving population in that city. I asked him: "Did any of this food go to any Jewish family?"

"Yes, certainly."

"Did you see it being served to any Jewish family?"

"I did not see a family at all who received such supplies."

"Well, how do you know that any Jews received this supply?"

"Because I know that the entire population received food."

"Well, you know also that Jews were being killed, don't you? You know that, don't you?"

"No, I did not know that."

"You do not know that Jews were being killed?"

"I know that Jews were killed, but . . ."

"All right, do you want to tell us that first you would feed them and then shoot them?"

"I don't know anything about it, your Honour, therefore, I can't say anything about it."

Taking up his claim that he was a person of humane impulses I asked him if he did not know that Jews were being persecuted in his area. He said he did not know this but when I asked him: "You knew that they were having a harder time to live than anybody else?" he hedged. "Whether conditions were more severe than conditions for others, I do not know. I would doubt that, because the town was near to starvation."

However, when I followed with: "Well, you knew that they were being killed. That is about as much as you can do to a person, isn't it?" he replied: "Yes."

Although he had insisted that his job was to report to Berlin on all conditions he found in the area traversed by his Kommando, he did not include the feeding item in his report.

"When you made your report to Berlin, did you say that you helped to feed Jews in Charkov?"

"No, your Honour."

"Did you say that Jews were being fed in Charkov?"

"No, your Honour."

"Can you honestly say today that you know of your own personal knowledge that one Jew received any of this food that you spoke about in Charkov—from your own personal knowledge?"

"According to my own personal knowledge and experience, I cannot say that. I can only say that I urged the administrative bodies that the whole population should receive this food."

However, despite all his equivocations, inventions, and circumlocutions, Radetzky finally had to admit, under the persevering cross-examination of Prosecutor Horlik-Hochwald, that he was thoroughly familiar with the Führer-Order and that he was an active participant in its ruthless programme.

The parents of Lothar Fendler fondly hoped that he would devote his life to preserving the teeth of his fellow-Germans through dentistry and sent him to school with that objective in mind. However, at twenty-one years of age, Lothar, having grown quite tall, decided that he would be more attractive in an officer's uniform than a dentist's smock, and accordingly joined the army. In May 1941, he became an S.S. Major and the second highest ranking officer in Sonderkommando 4A, of Einsatzgruppe C, which carried the force and the glory of the Führer-Order into Leinberg, Tarnopol, Winnitza, Uman, Kirowograd, Kremenschuk and Poltawa, in most of which places executions occurred. Like Von Radetzsky, Fendler testified he knew nothing of these killings since he was writing reports on the morale of the people in the territory through which his unit passed.

He also said that he only learned of executions by accident and knew nothing of the Führer-Order until he had left the Kommando and was on his way home.

"So that you had to travel five hundred kilometres and two days' distance from the very heart of this execution district before you learned that executions were being performed upon Jews because they were Jews, is that right?"

Without batting an eyelash, he replied. "Yes."

It is simply not to be believed that Fendler could not be aware of the blood in the fields through which he tramped and in the streets over which his vehicle moved. An Einsatz action report dated July 11, 1941, stated that "Einsatzkommando 4b has finished its activity in Tarnopol. 127 executions. Parallel to that, liquidation of 600 Jews in the course of the persecutions of Jews is induced by the Einsatzkommando." It was impossible for Fendler to have been insulated from knowledge of what occurred in the very city in which he was stationed. And only blindness, combined with deafness and paralysis, could have hidden from him knowledge of the pogrom which was instigated by the Kommando in which he ranked second from the top command. Moreover, even at his own word about writing reports on morale, he could not help but know that the social atmosphere of Tarnopol had been violently rent by the explosion of a pogrom. Nevertheless, he said that he made no mention in his report of this butchering in the streets familiar to his eye.

"Why didn't you make a report on these excesses which you learned about?"

"Because I personally did not get a chance."

"Why didn't you get a chance to make a report?"

"Because I was busy with another task, namely to evaluate the documents which had been captured."

"And you didn't consider the matter of a mass murder of six hundred people of sufficient importance to write a report on; is what you are telling the Tribunal?"

"Your Honour, if I get the order from the Kommando leader to evaluate the material which is available there, then I have to do so."

"Well, how much time would it take, in an S.D. report, which you were compelled to make, and which it was your job to make, to say that there were excesses in Tarnopol to the extent that six hundred Jews were murdered, or, if you didn't want to say murdered, were killed by the population. How much time would it take to include that, with your fingers on the typewriter, into a report? How much time would it take to say that?"

"Two seconds."

"Well then, why didn't you have the two seconds to write that?"

"Because I made no report."

S.S.-Captain Felix Ruehl, perhaps the tallest of the defendants, was still one more Einsatz officer who bent low and kept his nose buried in papers, ledgers, and statistics amidst the clamour and clatter of rifle volleys, the smell of gunpowder, and the screams of people being shot in the towns on whose morale, industry, and culture he was reporting to Berlin. But Sonderkommando 10B, Einsatzgruppe D, of which Ruehl sought (at the trial) to be recorded only as a literary member, was not an organisation bent on cultural objectives. Document No. 4,135 related that Sonderkommando 10B "finished its tasks at Chotin. Intellectually leading persons from the Soviet Party and public life, Jewish agitators, teachers, lawyers and rabbis were apprehended with the help of Ukrainian confidential agents in the course of several raids and



treated accordingly." Of course "treated accordingly" was merely a sarcastic expression for "shot to death".

Ruehl, who was administrative officer of his unit, testified that his duties consisted of office administration, billeting, food supply personnel and motor vehicles. Therefore, he said, executions were entirely foreign to him. He admitted that he had been with his unit in the city of Chernowitz for a whole month. Prosecutor Walton asked him how the Kommando had put in its time there. He replied that "this stay was used mainly for taking up contact with the Russian and the Ukrainian Army and to become acquainted with conditions".

Was this statement credible? Would a Sonderkommando under the command of the inexorable, restless killer Ohlen-dorf remain in a large city of from three hundred thousand to four hundred thousand inhabitants only to become acquainted with conditions? Well, Ruehl did do something else. He helped to repair hotels! ". . . In addition, and this was the case especially in Chernowitz, there were the repairs of the hotels which had been assigned to us by the Roumanian Army, which the Russians had left in a very poor condition, as well as caring for Roumanian, Hungarian and German guests."

After an extensive cross-examination by Prosecutor Walton, the defendant did admit that he learned of one execution: "Soon after my arrival in Chernowitz I learned by casual remarks by comrades that Roumanian units, as well as members of our Kommando, when they moved into the city after the city had been taken, had been shot at by civilians. The Roumanians had arrested a number of suspects and the Kommando had received the order to execute these people because of this incident."

Ruehl's armour-plated imperviousness to illegality was made manifest by his casual remark that "suspects" had

been arrested and his Kommando had killed them.

That Ruehl, who was only fourth ranking officer in the Kommando, could not have done anything to prevent the recorded executions, is believable, but his assertion that as a member of a unit made up of only seven officers and eighty-five men he could not know that killings were taking place was even more fantastic than the demon's land in which his organisation had been actually operating.

While the reports and the testimony at the trial decisively refuted Ruehl's assertions of ignorance of executions, they still did not rise to that degree of proof which Anglo-American procedure requires in order to support a verdict of guilty. We declared at the outset, and adhered to the principle throughout the trial, that every defendant would be presumed innocent until proved guilty and that no defendant would be convicted unless the evidence established his guilt beyond a reasonable doubt. We were not satisfied beyond a reasonable doubt from the evidence in Ruehl's case that he was guilty of participation in executions or that he exercised sufficient authority to prevent them. We thus found him not guilty of war crimes and crimes against humanity, as outlined in the indictment, but guilty of membership in the criminal organisations S.S. and Gestapo under the conditions defined by the Judgment of the International Military Tribunal.

## Chapter Eighteen

DURING THE CROSS-EXAMINATION of Felix Ruehl, Prosecutor Walton asked him if his commanding officer, Alois Pesterer, was not addicted to alcoholic beverages. Assuming that the prosecution was attempting to equate criminality with intoxication, I ruled that I would not permit that type of questioning. However, it developed that Mr Walton had another purpose in mind, namely, to prove that Pesterer was at times so drunk that the control of the Kommando had to be taken over by the defendant Ruehl. Ruehl indignantly denied the suggestion that his commander (now dead) had ever been drunk and then undoubtedly, without realizing its tremendous significance in the case, said, "I strongly object to that in the interest of the deceased. And I can assure you that if such a thing had occurred even once, Herr Ohlendorf wouldn't have stood for this. That would have been the end of his career as a Kommando leader, in so far as I have got to know Herr Ohlendorf."

In Ruehl's answer can be found another answer to critics who have insisted that German military men have been punished simply for obeying superior orders. According to Captain Ruehl, any Einsatz officer opposed to slaughtering helpless innocent populations and seeking a

way out of his dilemma could find that hoped-for way, if no more reasonable and courageous avenue was open to him, through the throat of a bottle of schnaps.

Where there was a will not to kill, the means could be found. Even Eichmann admitted in Jerusalem that he managed, in some manner, to save his Jewish aunt, with her husband and daughter, from annihilation. But one did not need to contrive and scheme, or be branded a drunken sot, even temporarily, in order to side-step the role of murderer. A frank statement of incapacity to play the part of a hangman would have effected a release from the assignment. The Nazi hierarchy was cruel and even sadistic, but it could never have been charged with inefficiency in the execution of its inhuman deeds. Kommando leaders who demonstrated themselves incapable of performing cold-blooded slaughter were assigned to other duties, not out of sympathy or for humanitarian reasons, but for efficiency's sake alone. Ohlendorf had declared, as already stated, that he forbade the participation in executions of men who did not "agree to the Führer-Order", and sent them back to Germany. In fact, Ohlendorf, as we saw earlier, could himself have shaken off the potential bloody knapsack of ninety thousand murders by simply disagreeing with the army commander dominating his field of operation.

In this respect, it is interesting to note the testimony of the witness Albert Hartel, who served with the German Security Police in Kiev. He testified that S.S.-General Thomas, commanding Einsatzgruppe C at the time, "passed on an order that all those people who could not reconcile with their conscience to carry out such orders, that is, people who were too soft, as he said, to carry out these orders, should be sent back to Germany or should be assigned to other tasks. Thus at the time a number of

people, also commanders, were sent back by Thomas to the Reich just because they were too soft to carry out orders."

Prosecutor Walton questioned Hartel: "If Thomas had known, he would have sent a commander home, is that correct?"

"He would have sent him home saying that he was too soft. In a number of cases this happened—that Thomas actually sent these people back to Germany."

Thus, it certainly was not enough for a defendant to say, as did Braune and Klingelhofer, that it was pointless to ask to be released and that therefore they did not even try. Exculpation is not so easy as that. The failure to attempt disengagement from an obviously criminal task can only prompt the conclusion that the person involved has no deep-seated desire to be released. He may think the work unpleasant, but he nevertheless has a personal reason for performing it. Even a professional murderer may not relish killing his victim, but he accomplishes the job in an efficient and workmanlike manner because of the reward which awaits him.

Eichmann would not have had too much trouble in being released from his IVB4 command post if he had really wanted to be released. All he would have had to do was to engage in a heart-to-heart talk with his superior Kaltenbrunner—who was his fellow-townsmen and had befriended him since his early days in the S.S.—and ask him for a transfer to another assignment, and it would have been done. But the fact is that, as Rudolf Hoess, the commandant of Auschwitz, said, Eichmann was obsessed with the desire to exterminate Jews.

In fulfilling Hitler's programme Eichmann and every Nazi official saw for himself increased authority, an easier and more lucrative post, a gaudier uniform, a bigger and

shinier car, a longer strut and a more numerous group of underlings to tremble before his greatness. Vanity, arrogance and greed were the vehicles in which the Nazi leaders travelled the highway of criminality and inhumanity. Equipped with the goggles of glory and gore, they saw nothing wrong in mass murder, pillage, thievery, kidnapping, torture and diabolical instruction.

Eichmann denied himself nothing in the gratification of the baser passions and every trivial desire, whim and caprice. In Budapest he roared about in an amphibious car spectacularly splashing into the Danube with sirens screeching, for the edification of the population trembling on the river banks.

At the Treblinka extermination camp the commander possessed a small armoured half-track, which intrigued Eichmann. He leaped behind the wheel and practised driving it around the camp. In his summation Attorney-General Hausner, recalling this testimony, sadly mused: "We can only imagine how many hundreds of thousands of Jews were choking in the gas chambers whilst Mr Eichmann was taking this trip around the death camp."

Through the process of ordering and carrying out killings, Eichmann climbed to the height of a supreme power which would have been impossible for a man of his modest education and mediocre faculties. In Nuremberg I asked General Schellenberg if Eichmann enjoyed doing what it was then ascertained he had done. Schellenberg replied:

"Eichmann got everything that a man of his animal shrewdness and senses could crave. There was no limit to what he could commandeer for the greater gratification of his desires. He rode in big cars; he had obsequious aides. He maintained luxurious apartments in various cities, including Paris, Vienna and Budapest, where he entertained

his many mistresses. He had access to all the champagne he wanted to drink, or bathe in.

"And then he experienced the exhilaration of constant intoxication—not with champagne but with blood. He revelled in the absolute power to exterminate a people he had hated from childhood. And then, not the least advantage was that, as a Lieutenant-Colonel, he had a better chance to escape than a General would have—in the event Germany was defeated. Eichmann was a fox."

The Einsatzgruppen officers had an additional reason for preferring their assignments: it saved them from hazardous combat service. In the front lines one faced an armed and aggressive opponent; in a foxhole one could expect any moment a fragmentising artillery shell. But on the Einsatzgruppen field there were no foxholes. There were only long ditches in front of which one's adversaries helplessly stood to await the fire which they could not return.

It can be assumed without forced reasoning that if, in the entire Einsatzgruppen history, any officer or soldier had been drastically punished because of refusal to obey the Führer-Order, the defendants, who, in their collective experience, covered every Einsatz phase, would certainly have known about it. Yet throughout the seven months' trial there was no evidence that a failure to obey the Führer-Order precipitated any major penalty. On the contrary, several instances came to light showing that disobedience or evasion of the Führer-Order invoked no grievous punishment.

It will be recalled that Nosske said that if he had been ordered to shoot five hundred innocent Jews he would have had to do it. He later testified to the following episode. On duty in Germany he was assigned to Düsseldorf, where his higher S.S. and Police Leader ordered him to

round up all Jews and *half-Jews* in that area for executions. Nosske said that he protested against the order and that, finally, it was revoked, or at any rate not enforced. Nosske's protest was probably due mostly to the fact that many of the intended victims had one German parent. None the less, his categorical refusal to obey the order demonstrated (contrary to the defence advanced throughout the trial) that a member of the German Armed Forces could protest against a superior order and not be shot in consequence. Though it is true the defendant suffered some inconveniences because of his unwillingness to shoot the half-Jews of Düsseldorf, he was not shot or even degraded.

S.S.-General Erich von dem Bach Zelewski, whom I interviewed in Nuremberg after the war, told me that in all his years as a professional soldier he never heard that any German soldier had ever been shot for asking to be relieved from an assignment to shoot unoffending civilians. As recently as March 1961, he confirmed this statement before a Munich court, where he said: "I know people who did not want to take part in shootings and who did not do so. But I do not know a single case in which a man who refused to take part was shot."

Of course, one who is ordered to commit a patently barbarous deed and refuses to do so may undergo some inconvenience because of that refusal, but he still has the duty to suffer that inconvenience rather than inflict an irreparable injustice upon one utterly innocent of wrongdoing.

In his defence of Eichmann before the world, Dr Servatius said, in a special interview he gave *Newsweek's* Curtis G. Pepper that Eichmann was "a man and not a coward".\* He specified that Eichmann "accepted his re-

\**Newsweek*, April 24, 1961.



sponsibilities. He did not shirk his duties and run away as others did."

But would it have been cowardice to refuse to kill crying infants, innocent women, helpless cripples, and unarmed men? Indeed, a refusal to participate in so unutterably wrong and evil a procedure would not only not be cowardice, but a demonstration of courage and an example of the true nobility of man.

When Dr Servatius pointed out that Eichmann "stuck to his post until the end", Mr Pepper interpolated: "Doing a job he approved of and believed in—the destruction of Jews?"

Dr Servatius replied: "No, he did not want to kill people," and then referred to the notorious episode where Eichmann offered to give up one million Jews for ten thousand trucks. Servatius specified: "Can you imagine a man in his relatively low post in the hierarchy going to Himmler and saying I want to save the lives of one million Jews?"

This affair, however, assumed a completely different complexion when Eichmann took the witness-stand. Servatius did his best to have Eichmann appear before the Court and all mankind as a man of mercy and compassion. He asked him a very leading question on the subject. It could almost be called a carrying question—one where the lawyer picks up the witness and carries him to the desired and inevitable answer. But Eichmann refused to be carried or led. Servatius asked: "When you were negotiating with your superiors, did you give expression to your feeling of mercy and pity? Did you say they [the Jews] should be helped?"

But with all Servatius's promptings, Eichmann declined to say that a drop of compassion had moved through the valves of his bureaucratic heart. He replied: "I am testi-

lying under oath and I must tell the truth. It was not because I was moved by pity that I involved myself." The reason Eichmann made the offer of Jews for trucks was that he disliked a Kurt Becher who had come to Hungary from Berlin to obtain equipment for the Waffen S.S. Eichmann resented that anyone should encroach upon his preserves since he regarded himself as absolute S.S. monarch of Hungary, and he wanted to show Himmler that he had more originality and influence in Hungary than Becher. Thus, it was pique and not humanity which moved Eichmann to offer, in his own words, "blood for goods".

Even one of his own witnesses (Winkelmann) declared under oath that he did not like Eichmann's "haughty behaviour", and that he saw in him "a man who uses his competence to the full extent without any moral restrictions and compunctions."

One of the Einsatzgruppen defendants did not use "his competence to the full extent without any moral restrictions and compunctions". Mathias Graf served in Einsatzkommando 6, of Einsatzgruppe C, for thirteen months. His rank was that of Oberscharführer (Master-Sergeant). In September 1942, he was assigned to the command of a sub-Kommando but he refused to accept the post. Because of this refusal he was arrested and placed in custody for disciplinary action. Eventually the disciplinary proceedings were dropped and he was sent back to Germany.

This defendant, who apparently was not a fanatical adherent of National Socialism, joined the S.S. in 1933, but in 1936 he was expelled because of lack of attendance and general indifference. In January 1940, he was drafted under the Emergency Service Regulations for service with the Landrat and he then entered the S.D. on a war supple-

mentary basis. We found him not guilty of war crimes and crimes against humanity and, although he had served in the S.D., we held that he had more than expiated this offence by his period of imprisonment prior to trial. Accordingly he was discharged on the day of our decision.

Every one of the defendants would have been entitled to an acquittal or at least to a considerable mitigation of penalty if he had responded to the Führer-Order as Mathias Graf did. But the records, the testimony and the incontrovertible evidence at the trial all proved, on the contrary, that the other defendants (minus Ruchl) eagerly accepted the Führer-Order and avidly reflected the Führer's hatred for Jewry. It is true that many of the defendants, at the trial, denied harbouring racial prejudices. In fact, some of them stated that in Germany they often befriended the persecuted Jew. Under the liberal rules of procedure which we instituted, these defendants submitted affidavits from others demonstrating their generous conduct towards individual Jews in the Fatherland.

But if it were true that the defendants regarded the Jews as equals in Germany, why did they consider them sub-human outside of Germany? If they did not recognise them as a mortal danger to Hitler in Germany, why should they regard them as such a threat in the Crimea? It is not too much to say that most of the Jews in Crimea and the other far reaches of the East did not know of Hitler and his doctrines until the Einsatzgruppen arrived to kill them.

It was argued on behalf of the defendants that even if they had refused to obey the Führer-Order or, in some manner, had avoided it, no substantial benefits would have accrued to the Jews, because the successors of the defecting Einsatz leaders would have conducted executions. But no defendant could predict what the next Kommando leader would have done. The successor could also have

manifested his reluctance and thus, with continuing refusals, the Führer-Order might well have lost its efficacy. But in any event there would have been no executions on the day of the refusal.

Repeatedly the German defence lawyers quoted the maxim *Nulla poena sine lege* (No punishment without law), but the German law itself authorises criminal responsibility for executing illegal orders. Article 47 of the German Military Penal Code provides that

If through the execution of an order pertaining to the service, a penal law is violated, then the superior giving the order is alone responsible. However, the obeying subordinate shall be punished as accomplice :

- (1) if he went beyond the order given to him, or
- (2) if he knew that the order of the superior concerned an act which aimed at a civil or military crime or offence.

One of the arguments presented by Dr Servatius against the jurisdiction of Israel to try Eichmann was that the Nazi and Nazi Collaborators Law of 1950, under which Eichmann was indicted, was *ex post facto* legislation because it was enacted after the crimes ascribed to Eichmann had already been committed. In this respect, nothing could have been more ironic than Eichmann's testimony in which he related how he had gone to Poland with an order authorising the killing of 150,000 Jews. The order had retroactive effect because the 150,000 Jews referred to therein had already been killed!

## Chapter Nineteen

WHEN, IN HIS OPENING statement to the Tribunal, Chief Prosecutor Ferencz spoke of the killing of thirty-three thousand Jews in Kiev in two days, he said that this feat stood out "even among the ghastly records of the Einsatzgruppen". Sonderkommando 4A, which, under the direction of Blobel, was responsible for most of these killings, formed part of Einsatzgruppe C, headed by S.S.-Brigadier-General Otto Rasch, recognised wherever he appeared as one of the most brutal executants of Hitler's extermination programme, often appearing personally on the field of execution to supervise the slaughter. Under Rasch's leadership Einsatzgruppe C acquired such a reputation for bloodthirstiness that, as Mr Ferencz phrased it: "it shamed some of the German witnesses and the Einsatzgruppe had to report that 'Unfortunately it often occurred that the Einsatzkommandos had to suffer more or less hidden reproaches for their consequent stand on the Jewish problem.'"

Following the war, General Otto Rasch became crippled with Parkinson's Disease. He was well enough to attend the first sessions of the trial but when it was his turn to testify he was incapable of locomotion. However, through his attorney, he expressed a desire to appear in

court to defend himself, even though he had to be carried into the courtroom on a stretcher. Then, after he had been helped into the witness-box, an army doctor stood by to keep the Tribunal informed on his condition so that we could recess court at any moment when the doctor advised that the defendant should not continue.

Raising his hand, which quivered in a slight arc, Rasch spoke the oath in a firm voice: "I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing." Then, assuming a somewhat reclining position, he responded to the questions put by his attorney, Dr Surholt. After informing the Court that he was born in East Prussia on December 7, 1891, and that his father was a farmer who later became a brick manufacturer he said: "My father was well-to-do. Seen from a sociological standpoint, he belonged to the patriarchal order. . . . My father considered it his uppermost duty to take care of every one of his people. This social duty came from the deeper moral awareness from religion." He stopped, exhibiting fatigue. The doctor examined him and let him rest lying down.

Then, once more in the witness-box, Rasch began to speak to the Court with the apparent comfort and contentment of one who, at his own fireside, is surrounded by grandchildren and their young friends who are listening absorbedly to the life story of an old and revered man. He related, with some emphasis, as if this was to be the motif of his paternal lecture: "At home I was educated very devoutly. That was in accord with the almost pious devoutness of my parents." Then, lifting his eyes in obviously fond reminiscence, he proudly recalled: "My father taught me the love of my country, love of nature, and how to hunt."

Who, good or bad, does not savour the delights which

memory offers in recalling the days of carefree childhood? Rasch paused again. With one shaking hand he tried to still the shaking of the other, and resumed, his face illumined by the picture his words were evidently evoking: "Very early in my life he took me along on his trips and above all he taught me the moral principles of hunting. He taught me that hunting was not just shooting and killing of game but it was also the care of and respect for the Creator and His creatures."

I asked him what he meant by the "moral principles of hunting" and he explained: "Hunting in the German sense demanded that the individual, even if he is completely unobserved in his area, realises his obligations toward the creatures, and that he is to refrain from everything which violates these, for example, shooting during the time it is prohibited—that is, during the time the animals are protected—shooting of the mother as long as her young ones need her, and only shooting on careful deliberation—not to satisfy one's passion for it."

Those in the courtroom who had heard the presentation of the reports, which told of the seventy-five thousand killings Rasch had ordered and of the misery he had inflicted on mankind, would have wanted him to explain why—after learning not to shoot animals beyond the hunting season, and particularly not to shoot the mothers of young animals—why it was that he grew up to enjoy shooting mothers of human children and the children themselves. Still, everyone must have felt sorry for this wreck of a man whose hands were now fluttering like aspen leaves. The listeners looked on him with pity and commiseration but still hoped that he might explain how it was that after being taught how to show "respect for the Creator and His creatures", he could manifest such violent disrespect for the fellow-creatures of his own human race.

However, Dr Surholt left this subject and asked the defendant about his education. "Do you have any special memories from this time which are important in your life?"

"I was a good student and I was on friendly terms with most of my teachers. I enjoyed a relationship of confidence with them. This lasted during my entire life."

He continued the story of his life until he got to telling about being private secretary to a Count zu Dona who would take him on many trips, including one to Paris, but fatigue now set in once more and we recessed Court to allow him to recuperate his strength. After several hours' rest and examination by a couple of doctors he came back into Court.

We said to him: "According to Anglo-American procedure, every defendant is presumed innocent until proved guilty beyond a reasonable doubt. You therefore stand before the Court as an innocent man. You have been charged with crime, very serious crime, and the Tribunal is required to give you every opportunity to answer these charges. Thus you are brought into Court, not with the thought of subjecting you to an unpleasant and uncomfortable experience, but rather to a pleasant and comforting one in that at last you will have the opportunity to speak to the world."

Dr Surholt acknowledged that his client was before the Court voluntarily but expressed doubt that he could adequately meet the situation. I picked up the indictment. "Dr Surholt, you will admit that any person charged with seventy-five thousand murders should be given every opportunity to exculpate himself even at the expense of physical discomfort. . . . We want to make this very clear so that no one may get the impression that the defendant is being treated with but little compassion. There is the



greatest of sympathy for his physical condition . . ." but, we went on to explain that, with the grave charges enumerated in the indictment, the defendant unquestionably wanted to be heard, and it was his inherent right to be heard. Dr Surholt agreed with his view, but it soon became apparent that his client simply was unable to muster sufficient strength to testify further. I suspended proceedings and ordered him removed to the hospital.

As an army sergeant and soldier took hold of the stretcher on which he was laid and a doctor walked by his side as they left the courtroom, I felt the need to cough. Something seemed to have lodged in my throat. Possibly it was the sheer melancholy of contemplating the picture of this ruin of a human being who could speak with the compassion of a St Francis on behalf of the animals of the forest, but who could outdo the most ferocious beast of the jungle in massacring his fellow men.

Eventually we ordered his case severed from the present trial with the proviso that he was to be retried in the event that he recovered. However, before he could give an accounting in Nuremberg or elsewhere for what he had done as an Einsatz General, he was summoned to the High Court for judgment on his whole life. He died November 1, 1948.

I do not doubt that Rasch told the truth about his early training. His father had indeed provided him with an excellent education. After attaining the degrees of Doctor of Jurisprudence and Doctor of Law and Economics he went on to practise law and then became mayor of Wittenberg. Certainly it cannot be said that it was lack of education which blinded Rasch to the evils of the malevolence of the Nazi Party which he joined at the mature age of forty. So fortified was Rasch with degrees and academic accomplishments that sometimes he was addressed as "Dr,

Dr". Nor can it be said of the other defendants that they were not intellectually equipped to decide for themselves what constituted decency and what spelled out infamy. So far as criminal conduct is concerned, it probably can be said (with deep regret) that the defendants' extensive education made them all the more capable and efficient in the discharge of their diabolical enterprises.

The great problem which I personally faced in the Einsatzgruppen trial was not in reaching a decision on the guilt or innocence of the defendants. That question began to resolve itself as the trial neared its end. What troubled me as a human being was the question as to how and why such well-schooled men should have strayed so far and so completely from the teaching of their childhood, which embraced reverence for the biblical virtues of honesty, charity, and cleanliness of spirit. Did they completely forget those things? Were they no longer aware of moral values? There is a considerable difference in moral guilt between the criminal who does not know the meaning of honesty and the criminal who well understands the word and its significance but wilfully chooses to ignore its precepts.

There was thus at least this assurance in contemplating the Einsatzgruppen case, namely that, since the defendants recalled episodes of past deed; of charity, kindness and God-fearing citizenship, they apparently still understood moral values.

On an occasion when the prosecution objected to the liberality with which I permitted the accused to introduce testimony on matters seemingly unassociated with the central issue, I ruled that, in view of the serious penalties which could accompany conviction, I would allow any evidence which could possibly have a bearing on mitigating the momentous accusations which the defendants

faced. I made only one exception. I would not permit any evidence on the social life of the penguins in the Antarctic. Later on I removed even that far-extending peripheral limitation and said that, if defence counsel could show how such a subject could be relevant, we would listen to what they had to expound.

In time this assertion became known as the "Penguin Rule", and in enthusiastic appreciation of it the defendants presented scores of affidavits from people who had known them in their earlier years and attested to the proper and respectable lives they had previously led as civilians, the charitable acts they had performed, the merciful deeds they had accomplished, the civic obligations they had recognised, and the respectful regard they had displayed towards law and order. The material was quite revealing.

One listening to evidence in the Einsatzgruppen trial without adequate experience in the phenomena of what the human soul is capable of comprehending might well, at moments, have despaired of the human race. Here were crimes that defied language in the depth and vastness of their brutality. Here pitilessness reached its zenith and nothing in Dante's imagined Inferno could equal the horror of what we discovered happened in 1941, 1942 and 1943 in Poland, White Ruthenia, the Ukraine, Lithuania, Esthonia, Latvia, the Crimea and Western Russia. During the trial we were constantly being confronted with acts of man which defied every conceivable perspective of morality and conscience. We looked in on scenes of savage depravity on so unparalleled a scale that we recoiled as if from a blast of scalding steam.

But, even so, there was this extraordinary aspect of the case: the pages of the testimonials attesting to the former good character of many of the defendants fairly glittered with such phrases as "honest and truth-loving", "straight-

thinking and friendly manner", "industrious, assiduous and good-natured", "of a sensitive nature", "absolutely honest". One could have doubted that they had ever even known the meaning of such words.

Piercing through the acrid smoke of the executing rifles, penetrating through the fumes of the gas vans, lifting the curtain of the unuttered last words of the one million slaughtered, the defendants did recall the precepts they had gained at their mothers' knees. Though they seemed not to perceive the monstrous contrast between the Einsatzgruppen deeds and the moral lessons of the distant past, yet they did recognise that the latter were still desirable. So long as even Einsatzgruppen assassins could appreciate the better rules of life, one should never regard hopelessly the future of man and his works.

In their final statements many of the defendants paid high tribute to the qualities of mercy and humaneness. This again called attention to the appalling moral abyss which yawned between the green-covered slopes of their youthful promise and the bleak cliffs of their adult degradation. Many of the affidavits spoke of religion. One affidavit introduced on behalf of Willy Seibert told how he often accompanied his mother to church. While in the Crimea exterminating human beings, did he recall these visits to the house of God, and, if he did, could he reconcile his actions there with the teachings of religion and the tutelage of his mother?

Our court was a court of law so that the presence or absence of religious faith on the part of any defendant was not a subject for debate or even comment. The fact, however, that Seibert advanced his early Christian training as an item of defence proclaimed that he at least recognised a dissimilarity between the books he studied as a child and the pages on which he wrote with blood as a

man. This affidavit was additionally interesting because it impliedly repudiated the denunciations of religion by men like Bormann, Goebbels, Rosenberg, Himmler and, above all, Hitler himself, who designated the church as the only remaining unconquered ideological opponent of National Socialism, continually insulting it in speeches and pronunciamientos.

Hitler particularly fought the Vatican which, in 1937, through Pope Pius XI, had denounced Nazism for what it was: "The arrogant apostasy from Jesus Christ, the denial of His doctrine and of His work of redemption, the cult of violence, the idolatry of race and blood, the overthrow of human liberty and dignity."

Reichsleiter Martin Bormann spoke for Hitler when he said: "National Socialist and Christian concepts are irreconcilable. . . . More and more people must be separated from the churches and their organs, the pastors."

Bormann had no difficulty in convincing the Einsatzgruppen leaders. Otto Rasch even anticipated Bormann. This man, who spoke so feelingly of his tender regard for young animals and of the devoutness of his parents, abandoned the church at the age of twenty-eight and soon afterwards donned the brown shirt of Nazidom. Others joined Hitler's ranks first and then concluded that the church and National Socialism were incompatible. When questioned as to their religious beliefs at the time of their capture following the armistice, ten of the defendants said they had formally broken away from the church, ten described themselves as "Believers in God", two said they were "nondenominational". (A few of these assertions coincided in the same persons.) Not one asserted he was a churchgoer or lived up to the vows of a formal religion. Ernst Biberstein, of course, as an ordained ex-minister, was *sui generis*.

Eichmann, to whom all these men reported, had set the pattern when, years before, in joining the S.S., he said that he did "not believe in religion".

When he took the witness-stand in Jerusalem he refused to swear on a Bible—any Bible. He also related how on an occasion he seized from his wife's hands a New Testament and tore it to pieces.

It is not within the compass of these pages to discuss the moral and religious implications rising from the deeds and the lives of the performers of the Einsatzgruppen programme. Religion, which, through the ages, has strengthened the weak, aided the poor, and comforted the lonely and oppressed, is man's own determination, but that a minister of the gospel, via the road of Nazism, participated in mass executions, is a phenomenon that has its own implications. When the Swastika replaced the Cross, and *Mein Kampf* dislodged the Bible, it was inevitable that the German people were headed for disaster. When the Führer-oath took the place of the Golden Rule, Truth was ousted and Falsehood enthroned to rule with an absolutism which no monarch has ever known. Under the despotic régime of the lie, prejudice supplanted justice, arrogance cancelled understanding, hatred superseded benevolence—and the columns of the Einsatzgruppen marched.

## Chapter Twenty

WHEN ALL THE EVIDENCE had been presented, each defendant was offered the opportunity to address the Court orally, this in addition to the closing argument of his attorney. This privilege, not an Anglo-Saxon usage, was allowed because it conformed to European practice. Thus every defendant obtained the full benefits of an Anglo-Saxon trial, which gave him the witness-chair from which to speak at length under the friendly questioning of his own counsel (a procedure strange to European courts), and he enjoyed as well all guarantees vouchsafed the accused by continental standards.

Ohlendorf spoke first, riveting the concentrated attention of the entire courtroom with a speech that would have done justice to a chair of philosophy at the University of Berlin. Erudite and profound, the discourse could have been addressed to students in history and political science and bore little resemblance to a plea for mercy, and certainly none for exoneration. While not exactly defending National Socialism, Ohlendorf said that those who were attracted to it "were longing for spiritual support, for a goal behind the social order into which they were born, a goal which promised them true human dignity, firm human objectives and a spiritual and religious

centre for their development into human beings". He failed to tell us, however, how National Socialism was to achieve that goal, for, if there was one thing which National Socialism did not do, it was to promote respect for human dignity and a spiritual, religious development of human beings!

I was hoping Ohlendorf would talk longer, for his speech was very interesting if not very convincing, but after twenty minutes he suddenly concluded with a tribute to the Tribunal: "If the Tribunal please, I do not wish to end my final statement without expressing my gratitude for the very generous way in which you have dealt with the problems which we have regarded as important to these proceedings"

With the exception of Sandberger, Biberstein, Braune and Strauch, all the defendants availed themselves of that final word, and while their statements added little to the objectivity of the trial they illumined a little more the motivations behind the conduct which brought them before an international court to answer for what they had done. The defendants Jost, Naumann, Blume, Haensch, Klingelhofer and Schubert, for instance, all declared that they had joined the Nazi Party and participated in its activities because of the menace of Bolshevism, but they offered no explanation as to why they remained with the party when Hitler reduced their ardent beliefs to charred cinders by joining up with the very evil forces which he had theretofore so bitterly denounced and castigated. The Nazi-Soviet pact transformed into mockery everything the Nazi hierarchy had said against Communism. The defendants had ample time after that revelation of monumental dishonesty and fraud to withdraw from the Nazi organisations which they had voluntarily joined. Their continued adherence, therefore, to Hitler and Nazism revealed their



steadfast approval of Hitler's aggressions and his persecutions of unoffending, innocent peoples. Hitler's attack on Poland, with Stalin's formidable support, opened the gulf between good and evil, into which the defendants, with open eyes, walked to their own destruction.

With the taking of testimony and hearing of argument terminated, the defendants had been accorded not only every right laid down in the Charter agreed upon by the Allied nations, but those guaranteed under the Constitution of the United States and within the scope of the English common law. The defendants never knocked at the door of an additional privilege but that it was opened to them.

The trial ended, Judge Speight, Judge Dixon and I proceeded to review the record which contained 6,895 pages of testimony and 984 documents introduced on both sides. We met every day for three or four weeks to consider the factual and legal issues. We felt deeply the solemnity of our task, which involved not only deciding on the lives and liberties of twenty-two men (Rasch having been severed from the case), but meeting as well the responsibility of justifying our action before the world. The final written Judgment in the case had to answer all doubts regarding this determined and objective affirmation of international law to hold individuals accountable to the law of nations and the law of humanity.

The Judgment also had to be a document which would serve notice on all future dictators and their compliant supporters as to what they could expect in the event that they failed to heed the precedent of Nuremberg.

Not the least of the many purposes of the Nuremberg Trials was to give the German people an opportunity to perceive the real character of those who were their leaders

and what they had done to bring Germany to its present state of ruin. That Hitler exercised practically limitless power is obvious, but he could never have brought down the walls of the twentieth century had he not found fanatic collaborators like Eichmann and the Einsatz defendants who accepted his mad outpourings and hysterical maledictions as if they were the pronouncements and apostrophes of a semi-divinity.

Eichmann asserted over and over at his trial that Hitler was the law and could not be resisted. But no one man anywhere can be the law and it is not true that Hitler could not be resisted. There were many who did resist him, or at least they refused to be party to his monstrous criminality. Many fled their native land with all its tender associations of school days, romance and roseate dreams, rather than accept him as their master. Others opposed him and were committed to concentration camps. It is an error to assume that everyone in Germany approved of Nazism with the crimes it engendered. Had that been true, there would have been no need of the whip-slashing stormtroopers, the iron-heeled Gestapo, and the torture chamber.

Hitler struck the match, but the tiny blaze would have vanished swiftly had it not been for his fellow-arsonists, big and small, who continued to supply the fuel until they, themselves, were enveloped by the fire they had been so fervently tending.

If history has taught anything it has demonstrated with devastating finality that most of the evils of the world have been due to craven subservience by sub-chiefs to one superchief whose plans, proposed by anyone else, would be rejected as mad. In his final statement to the Court at the end of the trial, the defendant Steimle admitted the supreme dereliction of abandoning the compass of one's

conscience to follow leaders who mark a course through the swamps of crime, the bogs of sin, and the quicksands of violence. "I will say this," remarked Steimle, "hundreds of thousands have, together with me, placed their faith and idealism into the hands of a few people with too great a confidence and have thereby laid the foundation of one of the causes of our unfortunate time."

## Chapter Twenty-one

AFTER SEVERAL WEEKS of reviewing and deliberating on the evidence, it became apparent that in the discharge of our solemn duty we would be required to impose the death sentence on some of the defendants.

This realisation filled me with a sense of disquietude and sadness.

Throughout my ten years on the bench in my home state of Pennsylvania prior to the war, I was singularly fortunate in not having had to sentence anyone to the ultimate penalty. That duty, never easy for any judge, would have been particularly painful to me because of an instinctive aversion to violence in any form, reaching its extreme manifestation in the forcible extinguishing of human life. However, despite my tender-heartedness, if such it could be termed, I now found myself confronted with the possibility, if not probability, that I would be required to sentence not only one but many persons to an abrupt ending of their living days.

I felt I would need some spiritual strengthening to prepare myself for the ordeal ahead. I conferred with Captain Francis B. Konieczny, the army chaplain at the Nuremberg Military Post, and asked him if he could arrange for a retreat where I might dwell in meditation

and prayer. He recommended the Cistercian Monastery in Selingenporten, some thirty miles distant from the Palace of Justice and its grim companion in stone, the prison, which held the men who were to receive the sentences the law was to impose.

At the monastery I was received by Father Abbot Stephan Geyer, who assigned me a small but comfortable room overlooking a beautiful garden. The monastery, which had been founded in the year 1215, was a perfect spot for seclusion and sanctuary and one in which to reflect on all I had heard and seen during the seven-month trial. Here I would prepare myself for the day whose events would become an inseparable part of my being and my everlasting memory.

To help me in any way I might need assistance, Father Abbot Stephan placed at my disposal Father Carlo Mesch who had studied in Rome and spoke fluent Italian. Although I had a smattering of the German language, I was not sufficiently equipped to carry on any prolonged conversation in it. Thus, Father Carlo became my interpreter in all my contacts with the German-speaking monks.

On my first day at the monastery, Father Carlo and I exchanged reminiscences on Rome, which he greatly admired and which had a tender spot in my affections because, as a youth, I had been a student at the University of Rome, and then I had participated in the campaign which, under the command of General Clark, led to the liberation in 1944 of the Eternal City from the Nazi forces.

Each late afternoon, after strolling through the green fields which surrounded the monastery and enjoying a cup of tea with the robed friars, I would retire to my room and listen enraptured to the organ music blossoming in the chapel and spreading its incense of harmony

throughout the buildings and grounds, inundating my soul. One could not wish for a more tranquil and soothing environment.

During this period I received some additional moral reinforcements in the arrival of Lieutenant Giuseppe Ercolano, a comrade of war days, who came up from his home in Sorrento, where I had been military governor for a time, to offer his services. I found a unique task for him. During these awesome and soul-searching days I wished to keep myself apart from everybody but the gentle-visaged monks, my brother judges, and my office staff. Ercolano, good-natured and diplomatic, was able to fulfil this wish of mine.

For several days prior to the rendition of the Judgment I remained in the monastery wholly separated from the world of secular affairs. Then, on the morning of April 10, 1946 I took communion. Ercolano and Captain Konieczny, who had driven out from Nuremberg to attend the religious services, accompanied me to the Palace of Justice.

At ten o'clock the hundreds of people in the courtroom, which had been the scene of the sentencing to death of Goering, Ribbentrop, Jodl, Keitel, Sauckel and other leaders of the Nazi conspiracy, rose as Judge Speight, Judge Dixon and I entered and moved to our places on the bench while the Marshal, Colonel Samuel L. Metcalfe, formally opened court. Straight ahead of us across the well of the room gaped the defendants' dock, empty as a school-room before the school bell rings, its emptiness accentuated by the throngs which filled all other spaces in the chamber, every face reflecting the nervous tension of anticipation.

On the day before, the Tribunal had announced the names of those who had been convicted and the counts

of the indictment on which the convictions were based. The nature of the sentences, however, was locked in the bosoms of the judges. Now the convicted defendants were waiting in the basement of the building hard by the shaft of the elevator which was to take them, singly, to the fate awaiting them three floors above. By a very ingenious mechanism which had been installed by the Nazis themselves when they had meted out their brand of justice in this very chamber, the elevator carried the prisoner into the dock itself. A sliding panel in the wall served as the elevator door.

The attendants, guards, interpreters and lawyers now all being at their places, I announced: "The Marshal will produce the defendant Otto Ohlendorf." In a moment the elevator machinery began to turn. There followed a clicking of levers, a whirring of wheels, a hum of electrical energy being expended. The cage with its human freight was rising from the basement. Otto Ohlendorf, chief of Einsatzgruppe D, was on his way to receive his final orders.

The noise of the hoisting machinery ceased, the elevator door slid open without a sound, and Ohlendorf stepped forward into the dock. He bowed respectfully as he had been doing every court day throughout the trial, picked up the earphones, adjusted them precisely over his head, and then looked up at me expectantly with a clear, unafraid gaze.

"Otto Ohlendorf," I began, "you have been found guilty on all counts which charged you with crimes against humanity, war crimes, and membership in criminal organisations. And—" Here I paused, for I had no intention of speaking rapidly. Ninety thousand murdered souls were perhaps listening; certainly the whole courtroom was listening and through the ears and eyes of those people

the world was awaiting the tidings which would help to make life more sacred and secure in the future. "—the Court sentences you to death by hanging."

Ohlendorf's expression did not change. Actually, the slightest suggestion of a smile came to his lips, not a cynical smile, not a resentful smile, never a sneer—just an intellectual appreciation of what was happening, the inevitable which he had undoubtedly expected. Unembarrassed and unruffled, he removed his earphones, politely handed them to the guard by his side, and stepped back into the elevator, his shoulders still thrown back, his head still erect, the slight smile not fading.

The door murmured shut and Ohlendorf disappeared as if he had already dropped in the gallows. Only the whisperings of the turning wheels in the shaft were heard in the courtroom which was a vast, lush chamber in which no one breathed, spoke, or stirred. A pause followed of even profounder quietude.

Then again was heard the soft hum of the elevator machinery and once more the door of fate was moving. This time Heinz Jost of slight build, deep-set eyes, and complete self-possession appeared. He stepped forward into the bright lights of the fluorescent chandeliers, picked up and adjusted his earphones, and looked forward to the bench expectantly. Only a few seconds were needed for his sentence.

"Heinz Jost, under the counts of the indictment of which you have been found guilty, the Tribunal sentences you to life imprisonment."

The defendant bowed low and came to an erect position again, his expression lighted as if he had heard the Court say: "You are hereby notified that you are going on a luxury tour around the world." Perhaps the penalty of life imprisonment instead of death had brought him such



relief that anything less than the rope seemed indeed a boon and a consummation devoutly to be enjoyed. Although as a leader of Einsatzgruppe A he authorised executions, it was established on his behalf that he did at a certain time try to sabotage the Führer-Order and he was allowed credit for this belated reformation.

I now turned the microphone over to Judge Speight, who in turn sentenced Erich Naumann to death by hanging and Erwin Schulz to twenty years' imprisonment. Judge Dixon then sentenced Franz Six to twenty years' imprisonment and Paul Blobel to death by hanging. I again took the microphone to sentence both Walter Blume and Martin Sandberger to death by hanging. Alternating after every two defendants, three of us imposed twenty-one sentences. Mathias Graf had been released.

As the elevator ascended and descended like the perpendicular swinging of the pendulum of fate, all the defendants, with the exception of two, took their medicine without a whimper. Facing the Tribunal bravely, erectly, uncomplainingly, they accepted their doom apparently just as readily as they had executed the orders which sent one million of their fellow men into eternity. Werner Braune was so much at ease that he did not bother to clamp the headphone over his head. He picked up the device and held it to one ear as one answers a telephone call. And then, when he got the message that he was to die by hanging, he put down the instrument, seemingly to say, "Well, that's done."

The ex-minister Ernst Biberstein refused to look at the Tribunal or anyone in the courtroom. As he stepped out of the elevator, he tilted his head upward as if prepared to read his sentence on the ceiling. Nor did he change his posture or expression throughout the entire fateful proceeding. His demeanour did not seem to differ from the

one he displayed as he himself described it in witnessing the execution of women and children he had sentenced. When the words "death by hanging" had been translated into *Tod am Galgen*, and had fallen into his earphones, he stepped back without once modifying his glance, as though he would now read the remainder of the story through the roof of the elevator.

The defendant Eduard Strauch was somewhat less heroic in the courtroom than he had been in the execution ditches where, at times, he ordered the extraction of gold teeth from the mouths of his victims prior to killing them. On the two days immediately preceding the day of sentence, he had listened to the reading of the Judgment without manifesting any unusual symptoms, but, returned to his cell, he had spoken ramblingly to the guards. A board of doctors had again examined him and again found nothing abnormal in his mental state. Now he stood before us convinced that subterfuge was useless and he was sentenced to hang for the hideous crimes of which, in a happier day for him, he had boasted.

At 11.15 Strauch disappeared as Ohlendorf had disappeared an hour before. The other sentences were as follows:

WILLY SEIBERT	Death by hanging
EUGEN STEIMLE	Death by hanging
WALTER HAENSCH	Death by hanging
GUSTAV NOSSKE	Life imprisonment
ADOLF OTT	Death by hanging
WALDEMAR KLINGELHOEFFER	Death by hanging
LOTHAR FENDLER	10 years' imprisonment
WALDEMAR VON RADETZKY	20 years' imprisonment
FELIX RUEHL	10 years' imprisonment
HEINZ SCHUBERT	Death by hanging

All the sentenced defendants except Nosske appealed to General Clay, the Military Governor, for mitigation or reduction of sentence. In March 1949, General Clay affirmed all penalties. Later a Clemency Board reviewed the sentences and in January 1951, some modifications were recommended and approved by John J. McCloy, United States High Commissioner for Germany.

Commissioner McCloy affirmed the death sentences of Ohlendorf, Naumann, Blobel and Braune. Strauch was extradited to Belgium for trial by the Belgian authorities for crimes committed there and he was there again sentenced to death. McCloy commuted to life imprisonment or a term of years the death penalties of Blume, Sandberger, Seibert, Steimle, Biberstein, Haensch, Ott, Klingelhofer and Schubert. Radetzky and Ruell were released on the time they had already served. Jost's term was reduced to ten years, Schulz's to fifteen years, Six's to ten years, Nosske's to ten years and Fendler's to eight years.

On June 8, 1951, Otto Ohlendorf, Erich Naumann, Paul Blobel and Werner Braune, together with Oswald Pohl, the head of the concentration camp system, were hanged at the Landsberg prison.

It was in this same Landsberg prison, in the Lech Valley some fifty miles from Munich, that Adolf Hitler, twenty-four years before, had prepared the chart of the Nazi movement in his book *Mein Kampf*. Here he had declared that he was to be the "exclusive leader of the movement". He had no difficulty in finding those who were willing to accept him as that exclusive leader because they knew that in the aggressive, despoiling campaigns to be waged there would be booty and spoils for them also. There was, of course, nothing new in this programme. Down through the ages there have always been Einsatz leaders, who, for personal enrichment and egotistical adornment, supported

their Führers, without regard to conscience, in aggressions over other peoples. The final result, however, has always been the same.

The theme of might against right has inevitably led to consequences which were eventually catastrophic to those who assumed themselves invincible. Through the pauseless sweep of the centuries, despots and tyrants have ever and again appealed to the cupidity of their subordinate commanders and have utilised the primitive vanity and arrogance of these little leaders in the accomplishment of their titanic horrors. Over and over, this monotonous and savage drama has appeared on the stage of history, but never was it played with such totality, fury and brutality as it was with the Nazis in the title role.

That so much man-made misery should have happened in the twentieth century, which could well have been the fruition of all the aspirations and hopes of the centuries which went before, made the spectacle of 1945 almost insupportable in its unutterable tragedy and sadness. Though most of the Einsatz defendants sought to rationalise their course of actions, it is possible they finally understood the disservice they rendered not only to humanity but to their own Fatherland. It may even be that through the Einsatzgruppen trial with its horrifying revelations they accomplished the unintended benefit of demonstrating what are the inevitable consequences that attend any plan stemming from arrogance, hatred and intolerance. And there they may have proved what has never been disproved: There is only one Führer, and that is Truth.

## Source of Material

OF COURSE, most of the material in this book was taken from the daily transcript of the Einsatzgruppen trial and from memoranda and notebooks kept by myself throughout the trial. Copies of the transcript, mimeographed in English and German, may be found in the National Archives in Washington, the Library of Congress, the Library of the Harvard Law School, and in the Nuremberg State Archives at Nuremberg.

In addition to the bilingual transcripts, copies have been preserved, also in English and German, of all documents introduced in the trial, as well as many documents which were collected but not offered in evidence. One each of these "sets" (the transcript being in English) was deposited in the following libraries: University of California, University of Chicago, Columbia Law School, Duke University, Harvard Law School, the Hoover Institute (Stanford University), New York Public Library, University of North Dakota, Northwestern University, Princeton, University of Michigan, University of Western Law School, West Point and the University of Wisconsin. Such sets are also on the shelves of the Wiener Library in London and of the library of the United Nations. Additional sets (the transcript of the proceedings being in German)

were sent to the Universities of Erlangen, Freiburg, Frankfurt, Göttingen and Heidelberg, as well as to the State Chancellery at Munich.

In abbreviated form, the Einsatzgruppen trial, with documents, briefs and testimony, was published by the United States Government in Volume IV of a series entitled *Trial of War Criminals*. The volumes may be purchased from the United States Government Printing Office and may be consulted in most large libraries.

The proceedings before the International Military Tribunal were published in forty-two volumes and are also available in the large libraries.

Most of the unusually important documents taken from Nazi sources were compiled and printed by the United States Government Printing Office in a series of volumes entitled *Nazi Conspiracy and Aggression*.

I have, in preparing this book, naturally made use of the transcript of the Eichmann trial. Occasionally, as stated in the text, I have used the slightly abbreviated form, that is, the text printed by the *Jerusalem Post*, which faithfully adheres to the intent and scope of the examination.

I have also used material drawn from my own experiences and conversations with persons who were close to Hitler and whom I interviewed in investigating the facts surrounding the death of Hitler. I obtained considerable information and data concerning Eichmann's immediate direction and supervision of the *Einsatzgruppen* from Walter Schellenberg, who held office in the R.S.H.A. during the entire time when Eichmann headed the Jewish extermination programme.

M.A.M.